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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 55¹—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

AMENDMENT

Strike out § 55.60 and insert a new section to read as follows:

§ 55.60 *When drawn poultry and drawn rabbits may be graded and labeled with their proper U. S. grade.* Drawn or eviscerated poultry and domestic rabbits shall not be labeled with their proper U. S. grade unless the carcasses have been previously inspected and certified for condition and wholesomeness under the Rules and Regulations of the Secretary of Agriculture Governing the Inspection and Certification of Dressed Poultry and Dressed Domestic Rabbits for external condition and of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness. The poultry and domestic rabbits shall be graded before they are eviscerated: *Provided, however,* That drawn poultry or drawn domestic rabbits which have not been previously inspected for condition and wholesomeness may be accepted as complying with contract specifications when offered for delivery to agencies, activities, or institutions where the product is to be consumed and will not be offered for public sale. (55 Stat. 408; 7 U.S.C., Sup., 414.)

Done at Washington, D. C., this 20th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-1528; Filed, February 20, 1942;
11:38 a. m.]

¹ 6 F.R. 3623. 5027.

This issue is in two parts, the second of which contains price schedules reprinted in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations, Serial No. 205]

PART 40—AIR CARRIER OPERATING CERTIFICATION

SPECIAL REGULATION, CIVIL AIR REGULATIONS, AUTHORIZING UNITED AIR LINES TO OPERATE AIRCRAFT INTO THE NEW ROCK SPRINGS MUNICIPAL AIRPORT UPON CERTAIN CONDITIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of February 1942.

Having had under consideration the regular use of the New Rock Springs Municipal Airport in scheduled air transportation,

The Board finds that:

1. The New Rock Springs Municipal Airport located at Rock Springs, Wyoming, has reached a stage of construction which will permit its regular use by aircraft operated in scheduled air transportation;

2. First pilots serving in air transportation for the United Air Lines Transport Corporation between Denver, Colorado, or Cheyenne, Wyoming, and Salt Lake City, Utah, fly within sight of the New Rock Springs Municipal Airport and have become familiar with this airport through examination from the air, so that compliance with the provisions of the Civil Air Regulations requiring each first pilot to have landed once at each terminal, scheduled intermediate stop, and intermediate field is not required in the interest of safety, provided that the familiarity of the first pilot with the New Rock Springs Municipal Airport be sufficiently demonstrated as hereinafter provided.

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Now, therefore, The Civil Aeronautics Board acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following Special Regulation:

Notwithstanding the provisions of the Civil Air Regulations requiring a first pilot of an air carrier, prior to carrying passengers in scheduled air transportation, to have landed at least once at each terminal, scheduled intermediate stop and intermediate field located along the route or part thereof on which he will pilot aircraft, any first pilot listed in the United Air Lines Transport Corporation's airmen competency letter at the time said air carrier is authorized to commence operations, at the New Rock Springs Municipal Airport as qualified to operate an aircraft in scheduled air transportation between Denver, Colorado, or Cheyenne, Wyoming, and Salt Lake City, Utah, may operate aircraft into and out of the New Rock Springs Municipal Airport in such air transportation upon furnishing to the United Air Lines Transport Corporation and to the Chief, Air Carrier Branch of the Civil Aeronautics Administration for the Third Region, Chicago, Illinois, a satisfactory sketch of the New Rock Springs Municipal Airport and a written inspection report describing its conditions, construction, and surrounding terrain. Such sketch and report shall be preserved by the United Air Lines as specified in section 40.2611 (b) of the Civil Air Regulations for written reports and sketches of intermediate fields. Each pilot must give evidence satisfactory to the Administrator's representative of his thorough familiarity with the form and condition of the field and with the location and nature of the obstructions around it.

By the Civil Aeronautics Board:
[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1504; Filed, February 20, 1942; 9:34 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 230—RULES AND REGULATIONS, SECURITIES ACT OF 1933

RULE RELATING TO DISCLOSURE OF INFORMATION CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to authority con-

ferred upon it by the Securities Act of 1933, particularly section 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule:

§ 240.171 *Disclosure contravening code of wartime practices.* (a) The Commission may, upon its own initiative or upon application, authorize or direct the omission of specific information from any registration statement, prospectus or other document filed with the Commission or used in connection with the offering or sale of any securities, if publication of the information would, in the opinion of the Commission acting in cooperation with the United States Government Office of Censorship, contravene the Code of Wartime Practices promulgated by that Office.

(b) Any issuer, underwriter or other distributor of securities may apply to the Commission for an opinion pursuant to paragraph (a). Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) In any case where information is omitted pursuant to this rule the Commission may authorize or direct the filing of such information with the Commission under separate confidential cover.

(d) Any requirement to the contrary notwithstanding, no registration statement, prospectus or other document filed with the Commission or used in connection with the offering or sale of any securities shall contain any information the omission of which the Commission shall have authorized or directed, or which the Commission shall have directed to be filed under separate confidential cover, pursuant to this rule. (Sec. 19, 48 Stat. 85; Sec. 209, 48 Stat. 908; 15 U.S.C. 77s.) [Rule 171, effective February 19, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1535; Filed, February 20, 1942; 11:52 a. m.]

PART 240—RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

RULE RELATING TO DISCLOSURE OF INFORMATION CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule:

§ 240.6 *Disclosure contravening code of wartime practices.* (a) The Commission may, upon its own initiative or upon application, authorize or direct the omission of specific information from any application for registration, report, proxy statement or other document filed with the Commission or any securities

exchange, if publication of the information would in the opinion of the Commission, acting in cooperation with the United States Government Office of Censorship, contravene the Code of Wartime Practices promulgated by that Office.

(b) Any issuer or other person who is about to file any such document with the Commission or an exchange may apply to the Commission for an opinion pursuant to paragraph (a). Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) In any case where essential information is omitted pursuant to this rule the Commission may authorize or direct the filing of such information with the Commission under separate confidential cover.

(d) Any requirement to the contrary notwithstanding, no application for registration, report, proxy statement, or other document filed with the Commission or any securities exchange shall contain any information the omission of which the Commission shall have authorized or directed, or which the Commission shall have directed to be filed under separate confidential cover, pursuant to this rule. (Sec. 23, 48 Stat. 901; Sec. 3, 49 Stat. 1379; 15 U.S.C. 78w) [Rule X-6, effective February 19, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc 42-1534; Filed, February 20, 1942;
11:52 a. m.]

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

RULE RELATING TO DISCLOSURE OF INFORMATION CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, and deeming such action necessary and appropriate to carry out the provisions of the Act, hereby adopts the following rule:

§ 250.105—*Disclosure contravening Code of Wartime Practices.* (a) The Commission may, upon its own initiative or upon application, authorize or direct that specific information be omitted from any notification, statement, application, declaration, report or other document filed with the Commission under the Act, and be filed under separate confidential cover if publication of the information would, in the opinion of the Commission acting in cooperation with the United States Government Office of Censorship, contravene the Code of Wartime Practices promulgated by that Office.

(b) Any person who is about to file any such document with the Commission may apply to the Commission for

an opinion pursuant to paragraph (a). Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) Any requirement to the contrary notwithstanding, no notification, statement, application, declaration, report or other document filed with the Commission under the Act shall contain any information which the Commission shall have authorized or directed to be filed under separate confidential cover pursuant to this rule. (Sec. 20, 49 Stat. 833; 15 U.S.C. 79) [Rule U-105, effective February 19, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1536; Filed, February 20, 1942;
11:52 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 91]

AMENDING THE "PROVISIONAL RULES OF PRACTICE AND REGULATIONS UNDER THE NATURAL GAS ACT, WITH APPROVED FORMS, EFFECTIVE JULY 11, 1938"

FEBRUARY 20, 1942.

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly sections 7 (as amended February 7, 1942) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates and prescribes the following amendments to the "Provisional Rules of Practice and Regulations under the Natural Gas Act, Effective July 11, 1938" as heretofore prescribed and amended:

Part 57 be and it is hereby amended to read as follows:

PART 57—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

Applications under section 7 (c) as amended for certificates for continued operation based on bona fide operation on February 7, 1942 (under "grandfather" clause).

§ 57.1 *Contents of application.* Every application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act as amended for continued operation based on bona fide operation on February 7, 1942, shall be filed with the Commission on or before May 8, 1942 and shall set forth in the order indicated the following:

(a) The exact legal name of the applicant; if the applicant is a corporation, the state or territory under the laws of which the applicant is organized, the location of applicant's principal place of business, and the names of all states

where applicant is authorized to do business.

(b) The same data required by paragraph (a) above with respect to any predecessor in interest of the applicant bona fide engaged in the transportation or sale of natural gas subject to the jurisdiction of the Commission on February 7, 1942.

(c) The name, title, and post office address of the person to whom correspondence or communications in regard to the application is to be addressed. Unless advised to the contrary, the Commission will serve all notices, orders, and other papers, service of which is required, upon the person so named herein.

(d) A statement of pertinent facts showing that applicant or a predecessor in interest of applicant was a natural-gas company within the meaning of the Natural Gas Act and was bona fide engaged in transportation of natural gas in interstate commerce or sale of natural gas in interstate commerce for resale on February 7, 1942, and that applicant is entitled to a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act as amended.

Without limitation upon the requirements of the paragraph next above, such statement shall include a showing of:

(1) The sources of the gas (i) produced by applicant or predecessor and (ii) purchased by applicant or predecessor. In case of gas produced, give the approximate location of the fields and the points of delivery, and in the case of gas purchased, the names of the sellers and points of delivery.

(2) The route or routes of the pipe lines over which such transportation or sale of natural gas was accomplished.

(3) The communities actually served on February 7, 1942 (i) at wholesale and (ii) at retail.

(4) The names of, and points of delivery to, main line industrial customers (i. e., not located within communities under (3) above) purchasing 25,000 M. c. f. or more per year. Such main line industrial customers, purchasing 100,000 M. c. f. or more per year, shall be given the identifying designations I-1, I-2, etc., which designations shall be used in lieu of names on Exhibit B of the application.

(5) Major appurtenant properties and facilities, such as compressor stations, gasoline plants, dehydration plants, purification plants, and gas storage projects.

(e) A similar statement of pertinent facts showing that applicant, or predecessor in interest, if any, has been bona fide engaged in the operations described in paragraph (d) continuously since February 7, 1942.

Notice of the application shall be given by applicant by service of a true copy of the application (without the exhibits provided for in § 57.2 following) upon the state regulatory commission, agency, or official having authority to regulate the transportation or sale of gas in every state in which applicant operated on February 7, 1942, or upon the governor of the state when there is no such state regulatory commission, agency, or official.

cial, by delivery of said copy in person or by registered mail.*

*§§ 57.1 to 57.4, inclusive, issued under the authority contained in secs. 7, 16, 52 Stat. 824, 830; Pub. 444, 77th Cong., 2d sess.; 15 U.S.C. 717f, 717o.

§ 57.2 *Necessary exhibits.* There shall be filed with the application as a part thereof the following exhibits. Any information required which is already on file with the Commission may be incorporated by reference. If applicant is unable to file any designated exhibit on or before May 8, 1942, a statement setting forth the reasons for such failure should be submitted in lieu of the appropriate lettered exhibit and a further extension of time for filing the exhibit, not to exceed 90 days, may be granted by the Commission. The following required exhibits are designed to amplify paragraphs (a) through (e) of § 57.1.

Exhibit A—If applicant is a corporation, a certified copy or photostat of its articles of incorporation and by-laws.

Exhibit A-1—If applicant is a corporation certified copies or photostats of any and all evidences of domestication in or authorization to do business in any state or states other than the state of incorporation involved in the application.

Exhibit A-2—If applicant is an individual or group of individuals, satisfactory proof of the citizenship of such individual or individuals.

Exhibit A-3—A certified copy or photostat of the resolution of the board of directors or other similar legal authority authorizing the filing of the application.

Exhibit B—A general key map of applicant's facilities in use on February 7, 1942, for the production, transportation, or sale of natural gas showing:

(1) The location of gas fields from which gas is produced by applicant or affiliated companies or at which gas is purchased by applicant.

(2) The location of applicant's pipe lines and the diameters thereof.

(3) The points of connection with the facilities or pipe line systems of other companies.

(4) The designation of points of delivery of gas to applicant's system.

(5) The communities served at wholesale and at retail, indicating those served at wholesale by a small square and those at retail by a small circle.

(6) The designation of points of delivery of gas from applicant's system, including points of delivery to main line industrial customers purchasing 100,000 M. c. f. or more per year. Such main line industrial customers are to be designated I-1, I-2, etc. as indicated in § 57.1 (d) above.

The map should be of sufficient scale and in sufficient detail to show the geographical location of the properties. Applicant may be required to furnish the Commission with additional alignment or field maps in support of the application.

Every natural-gas company is hereby ordered and required to keep on hand in its offices subsidiary alignment and field maps properly marked and main-

tained showing all the facts required in connection with Exhibit B above with sufficient certainty to establish beyond doubt the extent and location of its said facilities in use on February 7, 1942, and to be prepared to furnish information relative thereto or copies thereof at any time to the Commission.

Exhibit C—Certified copy of any order or franchise of any state or municipal agency authorizing applicant's or predecessor's operations and of any order authorizing transfer of such authority to applicant.

Exhibit D—An affidavit of the required service of copies of the application by delivery or registered mail in compliance with the provisions of Sec. 57.1 above, specifying the name and address of the state commission, agency, or official served, with the date and place of service.

Exhibit E—The applicant may submit as many additional exhibits as may be deemed essential for consideration of the application. Such exhibits may be identified as Exhibit F, etc., or may be given sub-numbers, such as Exhibit C-1, etc., as appropriate.*

§ 57.3 *Form of filing.* An application under §§ 57.1 and 57.2 shall be in compliance with §§ 50.31 to 50.40, and in addition the original of the application (which shall include the originals of all exhibits accompanying said application) shall be verified under oath by a person having knowledge of the matters therein set forth.*

§ 57.4 *Other information.* The applicant may be required to furnish such additional information as the Commission may deem pertinent.*

The amendments to the "Provisional Rules of Practice and Regulations under the Natural Gas Act" adopted, promulgated and prescribed by this order shall become effective February 25th, 1942; and the Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1541; Filed, February 20, 1942;
12:17 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PARTS 130 AND 131, APPENDIX

PUBLIC CIRCULAR NO. 16 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.¹

FEBRUARY 18, 1942.

(1) Attention is directed to the fact that pursuant to the Order the provisions thereof have been automatically extended to all of British Malaya to the

¹ This public circular affects Parts 130 and 131 and will be included in appendices to those parts.

same extent as the provisions of the Order apply to any other blocked country.

(2) For the purpose of administering the Order and complying with the provisions thereof, British Malaya shall be deemed to be a foreign country separately designated in the Order and specifically named in section 3 thereof. The definition of the term "national" as applied to British Malaya shall be that specified in paragraph E of section 5 of the Order.

(3) General License No. 13² is hereby amended by the deletion of the word "Singapore" from subdivisions (a) and (b) of paragraph (1) thereof.

(4) Attention is directed to the fact that, by reason of temporary control and occupation by the military, naval, and police forces and other authority of Japan, British Malaya is no longer included within the generally licensed trade area as defined in General License No. 53.³

(5) No transaction shall be deemed to require a license solely because it involves property in which a blocked country or national thereof had an interest which was extinguished prior to the date of the extension of the Order to such country.

(6) As used herein, the term "British Malaya" shall be deemed to include the Straits Settlements and the Malay States, both federated and unfederated. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1498; Filed, February 19, 1942;
12:42 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 15 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

FEBRUARY 18, 1942.

General Licenses Nos. 49,⁴ 50,⁵ 52,⁶ and 70⁷ are amended by deleting the text of the paragraph numbered "(4)" in General License No. 49 and the texts of the paragraphs numbered "(5)" in General Licenses Nos. 50, 52, and 70 and by substituting the following in each of such paragraphs for the matter so deleted:

A report on Form TFR-149 shall be filed promptly in duplicate with the ap-

² 6 F.R. 3946.

³ 6 F.R. 6792.

⁴ 6 F.R. 3057.

⁵ 6 F. R. 3404.

⁶ 6 F.R. 4046.

appropriate Federal Reserve Bank by any banking institution within the United States;

(a) through which any remittance in excess of \$5,000 originates; or

(b) which issues, confirms, or advises any letter of credit involving an amount in excess of \$5,000; or

(c) which debits any blocked account in an amount in excess of \$5,000 for any single item

under the authority of this general license.

Banking institutions within the United States shall also file monthly reports on Form TFER-1 with the appropriate Federal Reserve Bank indicating the total of all debits and, separately, the total of all credits effected pursuant to the provisions of this general license. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1497; Filed, February 19, 1942;
12:42 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 977—MANILA FIBER AND MANILA CORDAGE

Amendment No. 3 to General Preference Order No. M-36 To Conserve the Supply and Direct the Distribution of Manila Fiber and Manila Cordage

Section 977.1 General Preference Order No. M-36¹ is hereby amended to read as follows:

Whereas the uncertainty of future shipments of Manila Fiber from abroad and national defense requirements for Manila Cordage have created a shortage thereof for defense, for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 977.1 General Preference Order M-36—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Manila Fiber" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp (either stripped or decorticated), Sumatra Abaca, and Panama Abaca, except that Manila Fiber does not mean the fiber of grades T, O, W, or Y, as established by the Insular Government of the Philippine Islands.

(2) "Manila Cordage" means cables and ropes $\frac{3}{16}$ " in diameter and larger, and twines used for fishing nets, in which Manila Fiber either alone or in combination with other materials is used.

(3) "Class A Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will at least equal the fiber quality requirements of Federal Specifications T-R-601a.

(4) "Class B Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will give a Becker value not in excess of thirty-nine, such Becker value to be determined according to the methods set forth in said Federal Specifications T-R-601a.

(5) "Cordage Processor" means any Person other than the Navy Department who spins, twists, weaves, or otherwise uses Manila Fiber in the production of Manila Cordage.

(6) "Processing" means any use of Manila Fiber for the manufacture of any other article or commodity into which the Manila Fiber goes or of which it becomes a part.

(7) "Dealer" means any Person who procures Manila Cordage for storage or for sale, and includes selling agents, warehousemen, and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such Manila Cordage.

(8) "Basic Monthly Poundage" with respect to any Cordage Processor shall be 70% of the average number of pounds per month of Manila Cordage sold by such processor during the period January 1, 1939 to December 31, 1939.

(c) *Restrictions on deliveries of manila fiber.* No person shall hereafter make or accept delivery of any manila fiber unless specifically authorized by the Director of Industry Operations: *Provided, however,* That deliveries of Manila Fiber may be made:

(1) By and to the Navy Department.

(2) By and to Defense Supplies Corporation.

(3) By and to persons importing or otherwise handling Manila Fiber in accordance with written instructions from the Navy Department or from Defense Supplies Corporation: *Provided,* That such Manila Fiber is to be delivered, either processed or unprocessed, directly, or through one or more other persons, to the Navy Department or to Defense Supplies Corporation.

(4) By importers to Cordage Processors pursuant to contracts entered into on or before the date of this amended Order: *Provided,* That shipments of such Manila Fiber leave the country of origin on or before April 30, 1942.

(5) By importers to Cordage Processors of Manila Fiber rejected by the Navy Department or Defense Supplies Corporation as unfit for their use.

(d) *Restrictions on processing of manila fiber.* (1) Unless specifically authorized by the Director of Industry Operations, no Person shall begin the processing of any Manila Fiber except for the purpose of manufacturing Class A or Class B Cordage for sale or delivery to fulfill the orders hereafter specified in paragraph (e) (3), or such Cordage as may be required to meet the specifications of orders of the War and Navy Departments and the Maritime Commission.

(2) Unless specifically authorized by the Director of Industry Operations, from the date of this Amendment until August 1, 1942, no Cordage Processor shall put into process more Manila Fiber than six times his basic monthly poundage, and after July 31, 1942 no Cordage Processor shall put into process in any one month more Manila Fiber than his basic monthly poundage.

(e) *Restrictions on sales and deliveries of manila cordage.* (1) Unless specifically authorized by the Director of Industry Operations, on and after the date of this Order no Cordage Processor shall sell in any one month more Manila Cordage than his basic monthly poundage.

(2) Unless specifically authorized by the Director of Industry Operations, from the date of this Amendment until August 1, 1942, no Cordage Processor shall deliver more Manila Cordage than six times his basic monthly poundage, and after July 31, 1942 no Cordage Processor shall deliver in any one month more Manila Cordage than his basic monthly poundage.

(3) In addition to the limitations in paragraphs (e) (1), (e) (2), and (e) (4) no Cordage Processor or Dealer shall sell or deliver any Manila Cordage and no Person shall purchase or accept delivery of any Manila Cordage from a Cordage Processor or Dealer except to fill the following:

(i) "Defense Orders" accompanied by:

(a) Prime Preference Rating Certificate bearing an A-1-j or higher rating issued by the War Production Board, or by contracting officers of the Army, Navy or the U. S. Maritime Commission, but only if such Manila Cordage is specified in the prime contract involved.

(b) Extensions of only such Prime Preference Rating Certificates set forth in (e) (3) (i) (a) as may cover items to be physically incorporated in the prime contract involved. (Such extensions shall not include orders rated under any Preference Rating Order).

(ii) Purchase Orders of the following categories of usage:

(a) For use on vessels engaged in the carriage of cargo, as common carriers of passengers, in towage, in lighterage or in fishing for commercial fish markets or canneries, for use in hoisting for loading or discharge of cargo of such vessels, and for usages for shipbuilding.

¹ 6 F.R. 4534, 5217, 6614.

(b) Manila drilling cables for use in oil wells, gas wells and mines.

(c) Manila torpedo line for use in handling explosives.

Provided, however, That each order placed by a Person pursuant to this subparagraph (ii) shall have endorsed thereon, or be accompanied by, a statement manually signed on behalf of such Person by a person duly authorized thereto which shall state: "The undersigned hereby represents that the Manila Cordage covered by this order will be used by the undersigned for and only for the uses specified in subparagraph (e) (3) (ii) of Amendment No. 3 to General Preference Order No. M-36."

(iii) Orders placed by Defense Supplies Corporation. Unless specifically authorized by the Director of Industry Operations no Person other than the Army or Navy of the United States shall hereafter order or accept delivery of any Manila Cordage if the amount of Manila Cordage held by or under the control of such Person exceeds one and one-half month's supply for one Person. No Person shall have outstanding at any one time orders for future deliveries of Manila Cordage greater in amount than one month's supply for such person. "Supply" as used in this paragraph means the average monthly amount of Manila Cordage withdrawn from the inventory of such Person, which has been resold or put into actual use by such Person, in the three calendar months immediately preceding the calendar month in which said order is placed or delivery is accepted, excluding from such amount any Manila Cordage purchased from such Person by the Navy Department, War Department, Maritime Commission, Defense Supplies Corporation, and if such Person is a Dealer any Manila Cordage imported by such Person.

(f) *Control of stocks of manila fiber.* Control is hereby taken of the distribution and use of Manila Fiber. Any Manila Fiber at any time hereafter in the inventory of any person shall be sold and delivered by such person if and as specifically directed in any order of the Director of Industry Operations which may be issued whenever the Director of Industry Operations shall determine that a shortage of any particular grade of Manila Fiber for defense, or for private account and for export, renders it necessary or appropriate so to allocate such Manila Fiber in the public interest or to promote the National Defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No person shall dispose of or use Manila Fiber in any manner inconsistent with any such Order.

(g) *Exclusions from this Order.* The terms and provisions of this Order shall not apply to:

(1) Sales and/or deliveries by any Cordage Processor or Dealer of Manila Cordage of any class from stocks on hand or in process as of the date of this Amendment of the following types,

(i) Manila lariat rope.

(ii) Manila yacht lariat rope.

(iii) Manila transmission rope.

(iv) Manila left laid spinning lines, not including cordage of cable construction suitable for use as drilling cables even though such products may have been purchased or sold for spinning lines.

(2) Any sales and/or deliveries by any Cordage Processor or Dealer of Manila Cordage which on December 19, 1941 was in the form of cut lengths of less than 200 feet.

(3) Any stock of Manila Cordage which contains no Manila Fiber of the following grades—AB Davao or non-Davao, I Davao, JI Davao, G Davao, S2 Davao—and which is so processed that the Manila Fiber therein contained is combined or mixed with at least an equal amount of fiber other than Manila Fiber, in the hands of a Dealer or Cordage Processor, or in transit on the date of this Amendment, or made from Manila Fiber actually placed on machines by a Cordage Processor on or prior to December 19, 1941.

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Manila Fiber conserved, or that compliance with this Order would disrupt or impair, a program of conversion from nondefense work to defense work, may appeal to the Director of Industry Operations by letter or telegram, Ref: M-36, setting forth the pertinent facts and the reason he considers he is entitled to relief, or upon such form or forms as may hereafter be prescribed. The Director of Industry Operations may thereupon take such action as he deems appropriate. Applications for specific exceptions from the limitations of paragraph (e) (3) should be made in writing by the person desiring to use the Cordage.

(i) *Reports.* Every Importer, Processor, or other Person affected by this Order shall file such monthly and other reports with the War Production Board as shall from time to time be required by said office, and shall submit from time to time to an audit and inspection by representatives of the War Production Board concerning all records required to be kept by this Order.

(j) *Records.* All persons affected by this Order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions effected pursuant to this Order.

(k) *Violations.* Any Person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to the Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for such prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the War Production Board, Washington, D. C., Reference M-36.

(m) *Effective date.* This Amendment shall take effect immediately, and shall continue in effect until terminated by further Order. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 20th day of February 1942.

JAMES S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1539; Filed, February 20, 1942;
11:56 a. m.]

PART 1050—DISTILLED SPIRITS

Supplementary Order No. 3 to General Preference Order No. M-69 to Conserve the Supply and Direct the Distribution of Distilled Spirits

§ 1050.4 *Supplementary Order 3.*

(a) The Distilled Spirits production capacity of Distilleries may not be used for the production of spirits for beverage use. Such Distilled Spirits production capacity may only be used to produce Distilled Spirits for:

(1) Storage for industrial purposes, or
(2) Sale or delivery to Lend-Lease, industrial alcohol plants, consumers of industrial alcohol, pursuant to General Preference Order No. M-30, amended, or to Reconstruction Finance Corporation.

(b) This Order shall take effect immediately. (P.D. Reg. 1, amended, December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1538; Filed, February 20, 1942;
11:56 a. m.]

PART 1090—AGAVE FIBER

General Preference Order M-84 to Conserve the Supply and Direct the Distribution of Agave Fiber and Agave Cordage and Twine

Whereas the uncertainty of future shipments of Agave Fiber from abroad and national defense requirements for Agave Cordage and Agave Twine have created a shortage thereof for defense and for private account and for export, and it is necessary in the public interest and to promote the defense of the United

States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1090.1 *General Preference Order M-84—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste, fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes $\frac{3}{16}$ " in diameter and larger, in which agave fiber either alone or in combination with other materials is used.

(3) "Processor" means any Person who spins, twists, weaves or otherwise uses "Agave Fiber" in the production of cordage, twine or any other product. For the purpose of this Order the term "Cordage Processor" shall also mean any Person who imports Agave Cordage and/or Twine.

(4) "Processing" means any use of Agave Fiber for the manufacture of any article or commodity into which Agave Fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures Agave Cordage or Agave Twine for storage or for sale, and includes selling agents, warehousemen, and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such Agave Cordage or Agave Twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92-38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92-38 are used, which contains Agave Fiber, but shall not include Binder Twine.

(7) "Binder twine" or "Binding Twine" means a single yarn twine, manufactured of Agave Fiber, measuring 500 feet, 550 feet, 600 feet or 650 feet to the pound, with a plus or minus tolerance of 5 per centum which contains a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and is put up in balls of approximately 5 or 8 pounds each, and is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(c) *Restrictions on deliveries of Agave fibers.* No Person shall hereafter make or accept delivery of Agave Fiber, of any grade or quality, unless specifically authorized by the Director of Industry

Operations: *Provided, however,* That deliveries of Agave Fiber may be made:

(1) By and to Defense Supplies Corporation.

(2) By and to persons importing or otherwise handling Agave Fiber in accordance with written instructions from Defense Supplies Corporation, provided that such Agave Fiber is to be delivered, either processed or unprocessed, directly, or through one or more other persons to Defense Supplies Corporation.

(3) By importers to Processors pursuant to contracts entered into on or before the date of this Order.

(4) By importers to Processors, where such Agave Fiber has been rejected by Defense Supplies Corporation as unfit for its use.

(d) *Restrictions on processing of Agave fibers.* No Processor shall hereafter process any Agave Fiber:

(1) For manufacturing Wrapping Twine, in excess of the following percentages of his average monthly sales for the 12 months January 1, 1941 to December 31, 1941, inclusive:

	Per cent
February 1942.....	80
March 1942.....	70
April 1942 and each month thereafter.....	65

(2) For manufacturing Binder Twine during the year ending July 31, 1942 in excess of an amount which, with any Twine on hand manufactured previously, equals 110% of that Processor's total sales of Binder Twine in the United States during the twelve months ending October 31, 1941: *Provided, however,* That the Director of Industry Operations may increase pro rata the amount of Agave fiber which Processors are allowed to process if, in the Director's opinion, additional amounts are needed to handle the 1942 harvest of agricultural products.

(3) For manufacturing carpet yarns, except to the extent that such fibers have actually been put into process on or before the date of this Order.

(4) For manufacturing padding or stuffing, except to the extent that such fibers have actually been put into process upon the machine on the date of this Order or are less than 20 inches in length or are composed of tow or waste.

(e) *Restrictions on purchases and sales of wrapping twine.* (1) No Dealer shall order, purchase, or accept deliveries of an amount of Wrapping Twine which will result in such Dealer having possession of an amount in excess of a 60 days' supply, based on his average monthly sales for the previous three months.

(2) No Person other than a Dealer shall order or accept delivery of any Wrapping Twine if the amount of Wrapping Twine held by or under the control of such Person exceeds one and one-half months' supply for such Person. No Person other than a Dealer shall have outstanding, at any one time, orders for future deliveries of Wrapping Twine greater in amount than one month's supply for such Person. "Supply", as used in this paragraph, means the average

monthly amount of Wrapping Twine withdrawn from the inventory of such Person which has been resold or put into actual use by such Person, in the three calendar months immediately preceding the calendar month in which said order is placed or delivery is accepted, excluding from such amount any Wrapping Twine purchased from such Person by the Navy Department, War Department, Maritime Commission or Defense Supplies Corporation.

(f) *Restrictions on purchases, sales and use of binder twine.* No Person shall hereafter sell, purchase, deliver, accept delivery of or use any Binder Twine except for the growing or harvesting of agricultural products or sewing up bags containing such products and any Person purchasing any Binder Twine pursuant to this paragraph (f) shall endorse on his order for such Binder Twine or accompany said order with, a statement manually signed on behalf of such Person by a person duly authorized thereto which shall state: "The undersigned hereby represents that the Binder Twine covered by this Order will be either resold or used by the undersigned for and only for one or more of the uses specified in paragraph (f) of General Preference Order M-84."

(g) *Control of stocks of Agave Fiber.* Control is hereby taken of the distribution and use of Agave Fiber. Any Agave Fiber at any time hereafter in the inventory of any person shall be sold and delivered by such person if, and as, specifically directed in any order of the Director of Industry Operations which may be issued whenever the Director of Industry Operations shall determine that a shortage of any particular grade of Agave Fiber for defense, or for private account and for export, renders it necessary or appropriate so to allocate such Agave Fiber in the public interest, or to promote the National Defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No person shall dispose of or use Agave Fiber in any manner inconsistent with any such order.

(h) *Reports.* (1) Every Importer, Processor or other Person affected by this Order shall file such monthly and other reports with the War Production Board as shall from time to time be required by said office, and shall submit from time to time to an audit and inspection by representatives of the War Production Board concerning all records required to be kept by this Order.

(2) Each cordage processor shall at the request of the War Production Board on forms and in the manner prescribed, furnish all the information asked necessary to effect the terms of this Order.

(i) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Agave Fiber conserved, or that compliance with this Order would disrupt or impair a program of

conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram: Ref: M-84, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(k) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

WAR PRODUCTION BOARD
Washington, D. C. Ref.: M-84

(l) *Violations.* Any Person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Effective date.* This Order shall take effect upon the date of issuance hereof, and, continue in force until revoked by the Director of Industry Operations. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess. as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1540; Filed, February 20, 1942;
11:56 a. m.]

PART 1093—SXP COTTON SEED

General Preference Order No. M-92 To Conserve the Supply and Direct the Distribution of Domestically Produced SXP Cotton Seed

Whereas, the uncertainty of future shipments of Egyptian cotton from abroad and national defense requirements for extra long staple cotton have created a shortage of the supply thereof for defense, for private account, and for export, and it is necessary in the public interest and to promote the national defense to conserve and allocate the existing supply of domestically produced SXP cotton seed in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1093.1 *General Preference Order M-92—(a) Applicability of priorities regulation No. 1.* This Order and all transactions affected hereby are subject to the

provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order

(1) "SXP Cotton Seed" shall mean the seed of the cotton plant *Gossypium Barbadosense*, variety SXP, grown in the Continental United States of America.

(c) *Restrictions on the use of SXP cotton seed.* No oil mill or cotton gin in the States of Texas, New Mexico, or Arizona, shall hereafter sell or use any SXP cotton seed unless and until it has been inspected by a duly authorized representative of the Secretary of Agriculture and found suitable or unfit for planting. Any SXP seed found by such representative to be unfit for planting, by determination on Form PD-287, shall be free from restriction hereunder, except that it shall not be sold or used for planting. Any such seed found to be suitable for planting shall be subject to the provisions of paragraph (d).

(d) *Restrictions on deliveries of SXP cotton seed and assignment of Preference Ratings.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, no oil mill or cotton gin in the States of Texas, New Mexico, or Arizona shall hereafter sell or otherwise transfer title to, or make any deliveries of, and no Person shall purchase or accept delivery of SXP cotton seed found by a duly authorized representative of the Secretary of Agriculture to be suitable for planting, by determination on Form PD-288, except upon the following categories of purchase orders:

(1) Purchase orders placed by Persons either:

(i) Heretofore engaged in the growing of SXP cotton, or

(ii) Having available acreage of land, the physical characteristics and composition whereof are suitable for the growing of SXP cotton,

and found to be in either of such categories by a duly authorized representative of the Secretary of Agriculture. Such orders are hereby assigned a preference rating of B-1, and acceptance thereof is required as provided in Priorities Regulation No. 1.

(2) Such other purchase orders as may from time to time be specifically authorized by the Director of Industry Operations, and acceptance whereof may be required by said Director.

(e) *Application of Preference Rating.* Any person, in order to apply the preference rating assigned by paragraph (d) (1) to deliveries to him, must:

(1) Endorse on each purchase order which is covered by the rating assigned hereunder, a statement in the following form, signed by an official duly authorized for such purpose, specifying the rating assigned and the appropriate Serial Number or Numbers:

Preference Rating B-1 is applied hereto under Preference Rating Order M-81, with the terms of which Order the undersigned is familiar.

(Name of Producer or Supplier)

By _____
(Duly Authorized Official)

Such endorsement shall constitute a representation to the War Production Board and the Supplier with whom the purchase order is placed that such order or contract is duly rated in accordance herewith.

(2) Furnish with each purchase order, a certificate of a duly authorized representative of the Department of Agriculture in the following form, or obtain the endorsement of the following on such purchase order:

The above Person has heretofore been engaged in the growing of SXP cotton, or has available acreage of land, the physical characteristics or composition whereof are suitable for the growing of SXP cotton.

Signature of Duly Authorized Representative of the Secretary of Agriculture.

(f) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of SXP cotton seed conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations, Reference M-92, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Reports.* Each cotton oil mill or gin in the States of Texas, New Mexico, and Arizona, having title, possession or control, on the effective date of this Order, of ten or more bushels of domestically produced SXP cotton seed, shall, on or before the close of business on the tenth day after the effective date of this Order, report in writing to the duly authorized representatives of the Secretary of Agriculture in the State in which such mill or gin is located, as tabulating agents for the War Production Board, setting forth the number of bushels of such SXP cotton seed owned by such Person and the location thereof. Failure to make such a report on the part of any Person shall be deemed a representation to the Government, subject to the penalties of section 35 (A) of the United States Criminal Code, that such Person does not have title to, possession or control of such quantities of SXP cotton seed.

(h) *Records.* Every Person receiving copies of Forms PD-287 and PD-288, duly executed hereunder, or of purchase orders endorsed as required by paragraph (e), shall keep and preserve such Forms and endorsed purchase orders.

(i) *Communications to the War Production Board.* Except as provided in

paragraph (g), all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

War Production Board,
Washington, D. C., Ref.: M-92.

(j) *Violations.* Any Person who willfully violates any provision of this Order or who, by any act or omission, falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U. S. C. 80).

(k) *Effective date.* This Order shall take effect upon the date of issuance hereof and shall expire on May 1, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1537; Filed, February 20, 1942;
11:57 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 20¹—COPPER & COPPER ALLOY SCRAP

Pursuant to the authority vested in me by Section 2 (a) of the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1², issued by the Office of Price Administration, § 1309.61 is hereby amended by adding thereto the clause set forth below. A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith³:

§ 1309.61. *Maximum prices for copper and copper alloy scrap.*

* * * * *: *Provided*, That this Schedule shall not apply where all of the following conditions exist:

(a) Prior to March 15, 1942, delivery of copper alloy scrap has been received by a consumer, or by a carrier, other than a carrier owned or controlled by the seller, for shipment to a consumer, and

(b) Such delivery was made pursuant to a written contract entered into prior to February 6, 1942, and

(c) The consumer had filed with the Office of Price Administration prior to

¹ 7 F.R. 815, 905.

² 7 F.R. 971.

³ The statement of considerations has been filed with the Division of the Federal Register.

February 27, 1942, a copy of such contract certified by the consumer to be a true and correct copy of the original. (Pub., No. 421, 77th Cong., 2d Sess.)

This Amendment No. 4 shall become effective February 27, 1942.

Issued this 19th day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1408; Filed, February 19, 1942;
4:46 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 2 TO RATIONING ORDER NO. 2¹—NEW PASSENGER AUTOMOBILES

Section 1360.102 the first paragraph is amended to read as follows; two new subdivisions (v) and (vi) are added to § 1360.102 (c) (2); a new paragraph "Evidence" is added at the end of § 1360.102; four new sections 1360.201, 1360.202, 1360.203, and 1360.204 are added as set forth below:

§ 1360.102 *Persons eligible to acquire new passenger automobiles by transfers with certificates issued by local Rationing Boards.* On and after February 12, 1942 any person who, on or before January 1, 1942, purchased, but did not receive delivery of, a new passenger automobile is eligible to receive a certificate permitting him to acquire such new passenger automobile if he or his authorized agent makes application on or before March 2, 1942, and produces before the Board:

(c) (2) * * *

(v) An entry in an originally bound order book, or a serially numbered order form, regularly used by the buyer, showing an order by the buyer, entered on or before January 1, 1942, for the new passenger automobile.

(vi) An entry in an order form, regularly used by the buyer showing an order entered by the buyer on or before January 1, 1942 for the new passenger automobile provided that the buyer also produces before the Board a writing, signed by the manufacturer of the automobile, stating that the order entered on such form was also entered on the books of the manufacturer on or before January 1, 1942.

Evidence

The evidence required by this Section may be offered either to the Board having jurisdiction over the applicant or to the Board serving the area in which the transferor does business. If part or all of the evidence is presented to the Board serving the area in which the transferor does business, it shall be certified by the latter Board to the Board having jurisdiction over the applicant.

§ 1360.201 *Sale or transfer of new passenger automobiles by certain persons*

¹ 7 F.R. 667, 936, 1009.

serving in the armed forces. Any other provision of Rationing Order No. 2 to the contrary notwithstanding, any person falling within any of the following classes may, upon compliance with the provisions of §§ 1360.202 and 1360.203, sell or transfer to any person any new passenger automobile owned by him for personal use:

(a) Any person who is serving with any branch of the armed forces of the United States

(b) Any person who has received an order for induction into, or has been called for active duty with, any branch of the armed forces of the United States

(c) Any person who has volunteered for, and taken his oath of service for, any branch of the armed forces of the United States.

§ 1360.202 *Procedure for transfer by persons serving in the armed forces.* (a) Any person who believes that he is eligible to transfer a particular new passenger automobile owned by him pursuant to § 1360.201 may apply to the Local Rationing Board having jurisdiction over the area where the automobile is normally garaged or stationed and request a certificate authorizing him to transfer such automobile to a particular person. Request may be made by letter or other writing addressed to the Board and signed by the transferor, or his duly authorized agent, and shall contain:

(1) The name and address of the transferor;

(2) A description of the automobile to be transferred including make, model year, serial number, engine number and body type;

(3) The name and address of the person to whom the automobile is to be transferred;

(4) A statement of the facts required to establish the eligibility of the transferor pursuant to § 1360.201.

(b) The application must be accompanied by an original letter or other writing setting forth the facts necessary to establish the transferor's eligibility pursuant to § 1360.201. Such writing must be signed by an officer of the armed forces authorized to certify the status of the transferor or by a member of the Selective Service Board with which the transferor is registered.

§ 1360.203 *Certification.* Upon being satisfied that the transferor is subject to its jurisdiction and that he is eligible pursuant to § 1360.201, the Board shall issue a certificate on Form R-202 stating that the person named as transferor is eligible to transfer the new passenger automobile to the person named as transferee. Prior to issuing the certificate the Board shall strike the words "Purchased on or before January 1, 1942" from the title of Certificate R-202, and at least two members of the Board shall initial such change of title. Except as herein provided, Certificate R-202 shall be filled in, executed and filed by the persons required to do so pursuant to the instructions thereon contained. No certificate issued pursuant to this section

shall be charged against the quota of the issuing Board.

§ 1360.204 *Effective period of amendments.* (a) Amendment No. 1 (§ 1360.105 (b)) shall become effective February 11, 1942.

(b) Amendment No. 2 (§§ 1360.102, 1360.102 (c) (2) (v) and (vi), 1360.201, 1360.202, 1360.203 and 1360.204) shall become effective February 21, 1942: *Provided*, That the provisions of §§ 1360.201, and 1360.202 and 1360.203 shall expire March 9, 1942. (Pub. No. 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supplementary Directive No. 1 A, 7 F.R. 562, 698)

Issued this 20th day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1527; Filed, February 20, 1942;
11:20 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ELIMINATION FROM ARIZONA GRAZING DISTRICT NO. 3¹

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the departmental order of July 30, 1941, redescribing and adding land to Arizona Grazing District No. 3, is hereby revoked as far as it affects the following-described land:

ARIZONA

GILA AND SALT RIVER MERIDIAN

- T. 10 N., R. 8 W.,
Secs. 2, 3, 10, and 11;
- T. 11 N., R. 8 W.,
Secs. 25, 26, 27, 34, and 35;
Sec. 36, W½;
- T. 11 N., R. 10 W.,
Sec. 11, N½, SE¼;
Secs. 12 and 13;
Sec. 14, E½;
Secs. 24 and 25.

E. K. BURLEW,

Acting Secretary of the Interior.

FEBRUARY 7, 1942.

[F. R. Doc. 42-1503; Filed, February 20, 1942;
9:34 a. m.]

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO ARIZONA GRAZING DISTRICT NO. 2¹

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 2, as established and defined by departmental orders of March 6, 1936, November 3, 1937,

and July 30, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, and all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315 m-1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

ARIZONA

GILA AND SALT RIVER MERIDIAN

- T. 12 N., R. 10 W.,
Secs. 7, 18, and 19, those parts in Yavapai County;
- Sec. 29, SW¼;
- Secs. 30 and 31, those parts in Yavapai County;
- Sec. 32, all;
- Sec. 33, SW¼.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

E. K. BURLEW,

Acting Secretary of the Interior.

FEBRUARY 7, 1942.

[F. R. Doc. 42-1501; Filed, February 20, 1942;
9:33 a. m.]

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO ARIZONA GRAZING DISTRICT NO. 3¹

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 3, as established and defined by departmental orders of July 14, 1938, January 23, 1939, October 24, 1940, April 9, 1941, July 30, 1941, and November 13, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, and all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315 m-1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions.

ARIZONA

GILA AND SALT RIVER MERIDIAN

- T. 10 N., R. 7 W., sec. 4, lot 2;
- T. 11 N., R. 7 W., sec. 21, S½;
- T. 11 N., R. 10 W., sec. 3, SW¼.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

E. K. BURLEW,

Acting Secretary of the Interior.

[F. R. Doc. 42-1502; Filed, February 20, 1942;
9:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission modifying the Classifications of Investment in Road and Equipment; Operating Revenues and Operating Expenses for Steam Roads, dated February 3, 1942, effective January 1, 1943, was filed with the Division of the Federal Register, February 20, 1942, at 10:58 a. m., F. R. Doc. No. 42-1526. Requests for copies may be addressed to the Interstate Commerce Commission.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1311]

PETITION OF FAIRVIEW COLLIERIES CORPORATION, A CODE MEMBER IN DISTRICT NO. 10, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR SHIPMENTS OF RAILWAY LOCOMOTIVE FUEL FROM ITS FLAMINGO MINE (MINE INDEX NO. 1450) TO THE PEORIA AND PEKIN UNION RAILWAY COMPANY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 19, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant of ma-

¹ Affects tabulation in § 502.1c.

terial to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 14, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Fairview Collieries Corporation, a code member in District No. 10, for a reduction in the effective minimum price of 31¢ per ton on shipments of railway locomotive fuel from its Flamingo Mine (Mine Index No. 1450) to the Peoria and Pekin Union Railway Company.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1506; Filed, February 20, 1942;
10:51 a. m.]

[Docket No. B-206]

IN THE MATTER OF FRANCIS WEIDERKEHR,
ALSO KNOWN AS FRANCIS WIEDERKEHR,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 29, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 1, 1942, by the Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 28, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Monroe County Court House, Circuit Court Room, Bloomington, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers

of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is St. Meinrad, Indiana, and whose code membership became effective as of February 8, 1941, during the period February 8, 1941 to October 15, 1941, both dates inclusive,

1. Sold to Carl Rhodes of Dale, Indiana, substantial quantities of (a) 1¼" lump coal at prices ranging from \$1.75 to \$2.00 or \$2.10 per net ton f. o. b. the mine; (b) 1¼" x 0 screenings at prices ranging from 50 cents to \$1.00 per net ton f. o. b. the mine, all of which coal

was produced by defendant at his Wiederkehr Mine, Mine Index No. 1233, located in Perry County, Indiana, in District No. 11, whereas said coal is classified and priced in the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments, as follows: (a) 1¼" lump coal classified as Size Group No. 6 and priced at \$2.20 per net ton f. o. b. said mine; (b) 1¼" x 0 screenings classified as Size Group No. 14 and priced at \$1.40 per net ton f. o. b. said mine.

2. Failed to maintain and keep on file tickets, sales slips, invoices, other memoranda or records, and data as required by Order No. 307, dated December 11, 1940 and Order No. 312, dated February 24, 1941.

Notice is also hereby given that upon determination that the defendant has committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendant or directing the defendant to cease and desist from violating the code and regulations made thereunder.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1507; Filed, February 20, 1942;
10:51 a. m.]

[Docket No. B-209]

IN THE MATTER OF HARRY NICKLOW, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the

recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That Harry Nicklow, R. F. D. #1, Markleton, Pennsylvania, whose code membership became effective as of October 12, 1938, operator of the Nicklow Mine, Mine Index No. 1844, Subdistrict 40 of District No. 1, Somerset County, Pennsylvania, in violation of section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code, sold to various purchasers for truck shipment during the period from October 1, 1940 to April 1, 1941, both dates inclusive, approximately 146 tons of run of mine coal, Size Group 3, produced at said mine at \$1.75 per net ton f. o. b. said mine, whereas the effective minimum price for said coal was \$2.10 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1508; Filed, February 20, 1942;
10:51 a. m.]

[Docket No. B-210]

IN THE MATTER OF EARL MILLER, CLYDE HENRY AND HARRY HENRY, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF MILLER, HENRY AND HENRY, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 3, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division to Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the

allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendants, Earl Miller, whose address is R. D. 1, Hooversville, Pennsylvania, Clyde Henry, whose address is Boswell, Pennsylvania and Harry Henry, whose address is R. D. 1, Stoystown, Pennsylvania, and whose code membership became effective September 28, 1940, wilfully violated Section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Code, by selling to various purchasers during the period November 28, 1940 to July 31, 1941, approximately 648 tons of run of mine coal produced by said defendants at their Stuff Mine, Mine Index No. 2618, located in Somerset County, Pennsylvania, Subdistrict 36 of District No. 1, at \$1.75 per net ton f. o. b. said mine, whereas said coal was classified as Size Group No. 3 and priced at \$2.25 per net ton f. o. b. said mine, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, as amended by Order of the Director, dated November 28, 1940, entered in Docket No. A-357.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1509; Filed, February 20, 1942;
10:51 a. m.]

[Docket No. B-212]

IN THE MATTER OF CHARLES BOWERS, AN INDIVIDUAL, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal

Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so-designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is Curwensville, Pennsylvania, willfully violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code by selling and delivering to the Franklin Tanning Company during the period February 1941 to August 1941, both dates inclusive, approximately 856.645 tons of run of mine coal produced by said defendant at his Bowers #1 Mine, Mine Index No. 696, located in Clearfield

County, Pennsylvania, in Subdistrict 7 of District No. 1 at \$2.20 per net ton f. o. b. Franklin Tanning Company, Curwensville, Pennsylvania, a distance of approximately 6 miles from said mine, whereas said coal was classified as Size Group 3 and priced at \$2.20 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments as amended by Order of the Director dated January 31, 1941, entered in Docket No. A-516. The code member thereby failed to add to said effective minimum price as required by Price Instruction No. 6 contained in Supplement No. 1 to said schedule, 45 cents per net ton, which was the actual charge made by George Marshall, trucker, for delivering said coal from said mine to the Franklin Tanning Company at Curwensville, Pennsylvania.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1510; Filed, February 20, 1942;
10:52 a. m.]

[Docket No. B-218]

IN THE MATTER OF FORKS COAL MINING
COMPANY, A CORPORATION, CODE MEM-
BER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 3, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under

§ 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is P. O. Box No. 7, Cresson, Pennsylvania, willfully violated section 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code, and Rule 1 of Section III of the Marketing Rules and Regulations by allowing discounts from the applicable minimum prices in excess of the maximum discounts prescribed by the Division, on sales of approximately 6134.05 tons of various grades and sizes of coal produced by said defendant at its Hughes No. 11 Mine, Mine Index No. 219, located in Cambria County, Pennsylvania, in District No. 1, in the quantities and to the distributors hereinafter set forth, which resulted in said sales being made below the applicable minimum prices set forth in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck:

Purchaser	Date	Dis- count per ton al- lowed	Weight in tons
Wyatt, Inc., New Haven, Conn., Reg. No. 607.	Feb. 4, 1941, to Mar. 12, 1941.	\$.20	83.25
J. O. Fletcher Coal Co., Elmira, N. Y., Reg. No. 7341.	Dec. 5, 1940, to Feb. 6, 1941.	.25	59.9
Percy Heilner & Sons, Philadelphia, Pa., Reg. No. 4163.	Dec. 23, 1940, to Feb. 26, 1941.	.25	151.75
Mauger Coal Co., Patton, Pa., Reg. No. 6663.	Jan. 10, 1941, to Feb. 10, 1941.	.20	432.2
Howard Coal & Coke Co., Brooklyn, N. Y., Reg. No. 4541.	Dec. 16, 1940 to Mar. 13, 1941.	.25	2,083.9
H. N. Hartwell & Sons, Inc., Boston, Mass., Reg. No. 4033.	Oct. 5, 1940, to Mar. 23, 1941.	.25	3,313.06

That said defendant also wilfully violated section 4 II (e) and (i) 6 of the Act, Part II (e) and (i) 6 of the Code, Rule 1 of Section III and Rule 6 of Section XIII of the Marketing Rules and Regulations, by allowing, during the months of January, February, and March, 1941, a cash discount of one-half of one per cent, from the applicable minimum prices for payments made within ten (10) days after delivery on sales and deliveries to the Pennsylvania Railroad Company, at Altoona, Pennsylvania, of approximately 9272.70 tons of run of mine coal produced by said defendant at its said mine.

That said defendant also wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling during the period October 1, 1940, to April 30, 1941, approximately 735.75 net tons of mine run coal produced by said defendant at its said mine, to J. Brett, East Side Concrete Supply Company, and W. H. Hoover, respectively, all of Altoona, Pennsylvania, at prices ranging from \$1.85 to \$2.00 per net ton f. o. b. said mine, whereas said coal is classified as Size Group 3 and is priced at \$2.20 per net ton f. o. b. the said mine in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments.

That said defendant also wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling during the period January 1, 1941, to March 31, 1941, both dates inclusive, five cars or approximately 274.4 net tons of modified mine run, and mine run coals, produced by said defendant at its said mine, to Emerson Mfg. Co., Suncook, New Hampshire, at \$1.95 per net ton f. o. b. said mine, whereas said coal is classified as Size Group 3 and priced at \$2.20 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck.

That said defendant also wilfully violated section 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code, and Rule 1 of section III of the Marketing Rules and Regulations, by allowing, during the period October 1, 1940, to March 31, 1941, both dates inclusive, distributor's discounts from the applicable minimum prices on the sales of approximately 1,012.55 net tons of various sized coals, produced by said defendant at its said mine, to H. M. Scott, who was not registered as a distributor by the Division.

That said defendant also wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling through C. R. Burkholder to the Penn Hardware Company of Reading, Pennsylvania, during the period from February 3, 1941, to February 5, 1941, both dates inclusive, approximately 97.5 net tons of screen lump coal, Size Group No. 1, produced by said defendant at its said mine at a price of \$2.40 per net ton f. o. b. the mine, whereas, the effective minimum price for said coal is \$2.45 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck.

That said defendant also wilfully violated Rule 9 (a) of Section II of the

Marketing Rules and Regulations by allowing and paying to C. R. Burkholder a sales commission of 30 cents per net ton on the transactions referred to in the paragraph immediately above, although a certified copy of a sales agency agreement between said defendant and said C. R. Burkholder was not filed with the Division as required by Rule 4 of section II of the Marketing Rules and Regulations.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1511; Filed, February 20, 1942;
10:52 a. m.]

[Docket No. A-721, Part II]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND NOTICE OF AND ORDER FOR REOPENING THE HEARING

District Board No. 3 filed an original petition, pursuant to the Bituminous Coal Act of 1937, in Docket No. A-721, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3. Thereafter, an Order Granting Temporary Relief and Conditionally Providing for Final Relief was entered on March 25, 1941, 6 F.R. 1887, in the said docket establishing price classifications and minimum prices for such coals, including the coals of the Duffey Mine, Mine Index No. 1193, of A. B. Holcomb, a code member in District No. 3, for truck shipments. The said Order provided that the minimum prices established therein were temporary for a period of forty-five (45) days and that within that period applications to stay, terminate, or modify such temporary minimum prices or pleadings in opposition to the granting of the permanent relief requested in the original petition might be filed.

Within such period, Eugene L. Campbell et al. (six others), code members in District No. 3 (the "Campbell petitioners"), filed an intervening petition in Docket No. A-721 to modify the temporary minimum prices established for the coals of Mine Index No. 1193 and in opposition to granting the permanent relief requested in the original petition, and requesting that the minimum prices temporarily established for the coals of the said mine be increased in various particulars. Thereafter an Order Reopening Proceedings as to Mine Index No. 1193, Severing Portion of Docket No. A-721 Relating to Mine Index No. 1193 and Designating Same as Docket No. A-721 Part II and Notice of and Order for Hearing was entered on September 6, 1941, directing that a hearing be held in regard to the revision of the minimum prices for the coals of the said mine in Size Groups 2, 5, and 7 for truck shipments.

Pursuant to Orders of the Director, a hearing in Docket No. A-721 Part II was held on November 7, 1941, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Clarksburg, West Virginia. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board No. 3 and the Campbell petitioners appeared. The preparation and filing of a report by the Examiner having been waived by the parties, the record in the proceeding was thereupon submitted to the undersigned. On December 27, 1941, 6 F.R. 6808, the undersigned made Findings of Fact and Conclusions of Law and rendered an Opinion in Docket No. A-721 Part II, and an Order was entered granting the relief prayed for by the Campbell petitioners, effective fifteen (15) days from the date of the Order.

On January 10, 1942, District Board No. 3 filed a petition to reconsider and modify, or, in the alternative, to vacate the said Order of December 27, 1941, and to reopen the record in Docket No. A-721, Part II for the purpose of taking additional evidence. District Board No. 3 also filed a motion to stay the effect and operation of the said Order of December 27, 1941. In its said petition, District Board No. 3 indicates that it desires to adduce the testimony of D. T. Buckley, Chairman of District Board No. 3, to the effect that the said Order of December 27, 1941, will seriously impair the coordination existing among No. 5 Block Seam code member producers, and between them and other competitors, including the Campbell petitioners. Moreover, the petition alleges that it was not possible for Buckley to attend the hearing at Clarksburg, West Virginia, on November 7, 1941, and that no competent witness testified at the said hearing concerning such coordination.

It is apparent from the record that the evidence heretofore adduced as to such coordination is unsatisfactory, and it appears that the record should be reopened for the purpose of taking additional evidence as to such coordination and also as to the marketing history of the coals of the competing code member producers involved in such coordination subsequent to the entry of the said Order of December 27, 1941. The parties should not, however, be permitted to introduce cumulative evidence as to such matters. The evidence indicates that the Campbell petitioners had not suffered a material loss in operating time because of the temporary minimum prices established for the coals of the said mine by the said Order of March 25, 1941. Moreover, the Campbell petitioners have not filed any pleading in opposition to the said petition and motion of District Board No. 3. It appears, therefore, that the parties will not be prejudiced by the vacating of the said Order of December 27, 1941, and the reestablishment of the temporary minimum prices provided by the said Order of March 25, 1941, for the coals of the said mine.

Now, therefore, it is ordered, That the petition and motion filed by District

Board No. 3 in Docket No. A-721 Part II be granted to the extent set forth herein and in all other respects denied.

It is further ordered, That the hearing in Docket No. A-721 Part II be reopened for the purpose of taking additional evidence not cumulative of evidence already adduced and that such record be submitted to the Acting Director.

It is further ordered, That such hearing be held on March 9, 1942, at 10 o'clock in the forenoon of that day before Examiner Joseph A. Huston, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That the said Order of December 27, 1941, be, and it hereby is, vacated and set aside.

And it is further ordered, That commencing forthwith, the minimum prices set forth in the said Order of March 25, 1941, for the coals of the Duffey Mine, Mine Index No. 1193, of A. B. Holcomb, for truck shipments be, and they hereby are, temporarily reestablished, pending the said hearing.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1512; Filed, February 20, 1942; 10:52 a. m.]

[Docket No. D-15]

IN THE MATTER OF PROCEEDINGS TO DETERMINE IF CERTAIN REGISTERED DISTRIBUTORS ARE BONA FIDE MERCHANTS ACTIVELY, REGULARLY AND CONTINUOUSLY ENGAGED IN THE BUSINESS OF PURCHASING COAL FOR RESALE AND ACTUALLY RESELLING IT IN NOT LESS THAN CARGO OR RAILROAD CARLOAD LOTS WITHIN THE MEANING OF § 304.13 OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS: AND FOR THE REVOCATION OF THE REGISTRATION OF DISTRIBUTORS WHO ARE NOT SO ENGAGED

ORDER TO SHOW CAUSE

The Bituminous Coal Division having, on June 13, 1941, issued Order No. 325, requiring all registered distributors to report the details of their purchases and resales for the period from October 1, 1940 to June 1, 1941, and

On August 29, 1941, having issued a Statement of the Director, No. 40, concerning the policy and procedure of the Division in determining eligibility of applicants for registration as distributors, setting forth therein that the reports required to be filed by said Order No. 325 "are now being studied by the Division, and appropriate steps will be taken to remove from the list of registered distributors all ineligible persons," and

The registered distributors, whose names and addresses are set forth in Exhibit A, attached hereto, having failed to file the reports required by said Order No. 325, and having failed thereby to show that they are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of Section 304.13 of the Rules and Regulations for the Registration of Distributors.

It is, therefore, ordered, That each of said registered distributors, whose names are set forth in Exhibit A, attached hereto, be, and is hereby required to show cause why his or its registration should not be revoked, as hereinafter provided;

It is further ordered, That each of said registered distributors shall file a verified answer to this Order to Show Cause, on or before April 1, 1942, at the offices of the Division, 734 15th St. NW., Washington, D. C., setting forth therein the following information with respect to purchases and resales of bituminous coal made by him or it from October 1, 1940 (or from the date of his or its registration, whichever is later) to February 1, 1942:

(1) Name, address and registration number.

(2) The tonnage purchased during each month (a) direct from code members, (b) from sales agents of code members, and (c) from other registered distributors. (Give the name and address of each code member, sales agent or registered distributor from whom such purchases were made.)

(3) Total tonnage purchased during each month (a) upon which discounts from the minimum prices were allowed, and (b) upon which no discounts from the minimum prices were allowed.

(4) Total tonnage resold during each month in less than cargo or railroad carload lots, or other retail transactions. Include all coal physically handled by distributor (except water-borne coal physically handled over docks where the resale of the coal was in such quantities and deliveries made in such manner, as to constitute a carload lot quantity within the meaning of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors).

(5) Total tonnage resold during each month in quantities of not less than cargo or railroad carload lots and not physically handled by the distributor, and all water-borne coal physically handled over docks where the resale of the coal was in such quantities and the deliveries were in such manner as to constitute a carload lot quantity within the meaning of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, setting forth the tonnage by months resold to:

(a) other registered distributors,
(b) other distributors, not registered,
(c) railroad companies,
(d) all other purchasers, specified, if possible, by type or nature of business.

(6) The name and address of each retailer to whom coal was resold and the tonnage resold to each by months. Indicate which, if any, of such retailers are in any manner affiliated with respondent. (For this purpose only "affiliated" means the existence of a relationship whereby the distributor and any such retailer are under a common control or ownership, partial or complete, or where either has a financial interest in the other, directly or indirectly, or where any officer or employee of one has any financial interest in or is otherwise connected with the other).

(7) If copies of invoices have not been filed pursuant to the provisions of Order No. 313, the answer shall set forth the names and addresses of each person to whom coal was resold, the amount paid therefor by the distributor, the amount charged therefor to the customer, the f. o. b. point of sale, and the manner of transportation employed.

(8) A statement of the reasons, if any there be, why the registration of such distributor should not be revoked.

It is further ordered, That failure to file such answer within the time prescribed may be deemed to be an admission that the person so failing to file is not a bona fide merchant actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors, and an order revoking said registration may be entered.

It is further ordered, That if any answering respondent has failed to show cause, as herein provided, why his or its registration should not be revoked, such respondent will be afforded opportunity to be heard at a time and place to be later designated, and offer evidence in support of his or its answer. If, after such hearing, the respondent fails to establish that he or it is a bona fide merchant actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors, an order revoking his or its registration may be entered.

Dated: February 18, 1942

[SEAL] DAN H. WHEELER,
Acting Director.

EXHIBIT A

Registration Number, Name and Address
0017—ABC Fuel & Insulation Co., Inc.,
419 E. 18th St., Marion, Ind.
0045—Ackerman Coal Co., (Philip M. Ackerman), 1212 Elm St., Toledo, Ohio.
0077—Agee, George, 223 E. Third Street, Winston-Salem, N. C.
0096—Alaska Coal Company (I. L. Bronstein), 1708 S. Harrison Street, Ft. Wayne, Ind.
6376—American & Dominion Fuel Co. (Wm. M. Merrill), P. O. Box 161, Birmingham, Mich.

0162—American Coal Co. (Rina M. Dell), 2301 Beal Ave., Lansing, Mich.
 0168—American Service Company, Opelika, Alabama.
 0188—Anderegg Coal Co. (Casper H. Anderegg), 9th & So. Ave., La Crosse, Wis.
 0192—Anderson Coal Company, Montgomery, Ala.
 0194—Anderson, John, 821 Seventh St., Rockford, Ill.
 0234—Apex Fuel Company (John S. Doerner), 2206 Broadway, Ft. Wayne, Ind.
 0290—Asarco Mercantile Company, 1213-1214 Mills Bldg., El Paso, Tex.
 0309—Atwater & Co., Inc., William C., 150 So. Main St., Fall River, Mass.
 0345—B & S Coal & Stoker Company, 315 Guthrie St., Louisville, Ky.
 0366—Bagley Coal Sales (Ernest V. Bagley), 118 N. Walnut St., Van Wert, Ohio.
 0392—Balcron Coal Co., Inc., 103 Terminal Bldg., Rochester, N. Y.
 0444—Barna, Joseph, 2085 Valentine Avenue, New York, N. Y.
 0440—Barna, Robert G., 15 Moore St., New York, N. Y.
 0464—Barrow Coal & Contract Co. (C. A. Rogers), Owensboro, Ky.
 0491—Basic Coal Company, 1015 Chamber of Commerce Bldg., Cincinnati, Ohio.
 0501—Bates Company, R. D., 39 Cortlandt St., New York, N. Y.
 0522—Baumann Coal Company, 100 Main St., Racine, Wis.
 0546—Bean, Walter G., 501 N. 4th St., Fairfield, Iowa.
 0577—Beckwith Coal Co., Paul (Paul Beckwith), P. O. Box 553, Melbourne, Fla.
 0583—Bedford Coal Company (Jno. T. Ledbetter), Box 82, Shelbyville, Tenn.
 0585—Beebe Lumber Co., Inc., Hampton, Iowa.
 0595—Beja Company, H. N. (Mollie Beja), 15 Moore St., New York, N. Y.
 0604—Bell Coal Company, The, 300 Mt. Vernon Ave., Columbus, Ohio.
 0606—Bell, J. H., 1417 Water Ave., Selma, Ala.
 0615—Belleville Fuels, Inc., Victoria Bldg., 407 N. 8th St., St. Louis, Mo.
 0617—Bellingham Coal Mines, Bellingham, Wash.
 0619—Beloit Lumber Company, Beloit, Wisconsin.
 0635—Bennett, Harry L., 719 W. 4th St., Pueblo, Colo.
 0705—Berks Products Corporation, 726 Spring Street, Reading, Pa.
 0724—Berry Coal Co., 166 W. Bragg St., Greensboro, N. C.
 0733—Beswick Coal Co., C. A. (C. A. Beswick), 422 Allegheny St., Hollidaysburg, Pa.
 0794—Bishop Co., John W., Exchange Place, Martinsburg, W. Va.
 0803—Black Creek Coal & Mining Co., Inc., 1350 So. 15th St., Louisville, Ky.
 0806—Black Diamond Coal Mining Co., 308 Comer Bldg., Birmingham, Ala.
 9540—Black Oak Coal Co. (Paul Weinberg), 624 S. Michigan Ave., Suite 819, Chicago, Ill.
 0905—Bolin Coal Co., H. C., Box 311, Middleport, Ohio.

0907—Bolly & Son, S. E., Charlestown, Ind.
 0965—Bower, O. B., 920 13th St., Lorain, Ohio.
 0973—Bowling Coal Co., The O. M. (Owen M. Bowling), 788 Adair Ave., N. E., Atlanta, Ga.
 0978—Bowser Sales & Trading Corp., Sistersville, W. Va.
 1036—Brant Coal Co., Findlay Rd. at N. P. Crossing, Fostoria, Ohio.
 1082—Brickey, J. B., Woolridge, Tenn.
 1143—Brothers Co., Inc., Reginald E., 147 E. Washington St., Suffolk, Va.
 1151—Brown Fuel Co., R. W., 178 Michigan Ave., Benton Harbor, Mich.
 1186—Bryant, C. A., 32 W. 13th Street, Chattanooga, Tenn.
 1203—Buckeye Coal & Coke Co., 16 E. Broad St., Columbus, Ohio.
 1215—Bueker Coal Co. (Arnold J. Bueker), Walnut St. & B. & O. R. R., Hamilton, Ohio.
 1246—Burdick Coal Co., Inc., 116 Franklin Street, Watertown, N. Y.
 1252—Burgess & Cline, 108 W. Washington St., Monticello, Ill.
 1286—Burns Supply Company, Inc., 365 W. Town St., Columbus, Ohio.
 1345—Cachat Coal & Trucking Co. (Fred Cachat), 810 6th St., N. W., Canton, Ohio.
 5480—Cairo City Coal Co. (Albert J. Lee), 1914 Commercial Ave., Cairo, Ill.
 1367—Calumet Coal Company, 9540 Marquette Ave., Chicago, Ill.
 1373—Cambria-Lochrie Co., Inc., 543 Vine St., Johnstown, Pa.
 1394—Capital City Coal Co., The, 332 W. Broad Street, Columbus, Ohio.
 1405—Cardinal Coal Sales Company, 910 Kentucky Home Life Bldg., Louisville, Ky.
 1412—Carland Coal Company (Frank C. Carland), 37 W. Van Buren St., Chicago, Ill.
 1417—Carley-Dayton Company, The, 240 S. Warren St., Dayton, Ohio.
 1426—Carney Coal Company, 33 S. Clark St., Chicago, Ill.
 1428—Carolina Coal & Ice Corp., 80 Patton Ave., Asheville, N. C.
 1468—Cary & Company, Inc., 114 E. Gonzalez St., Pensacola, Fla.
 1472—Cash Coal Company (Paul Vinson), 512 N. John St., Goldsboro, N. C.
 1481—Cassler Coal Sales Agency, County National Bank Building, Clearfield, Pa.
 1546—Chase Coal Supplies Co. (Philip M. Chase), 207 Williamson Bldg., Cleveland, Ohio.
 1558—Cheeseman Co., Carl, 225 N. McKean St., Butler, Pa.
 1554—Cheshire, John P., 1478 Mars Ave., Lakewood, Ohio.
 1560—Chicago Fuel & Ice Co. (A. H. Rosen), 722 Palace Bldg., Minneapolis, Minn.
 1562—Chicago Waterways Fuel Co., 1110 W. Division St., Chicago, Ill.
 1592—Cincinnati Builders Supply Company, The, 209 E. Sixth St., Cincinnati, Ohio.
 1594—Circus Coal Co., Inc., 1008 Gates Ave., Brooklyn, N. Y.
 1590—City Coal & Coke Co. (H. D. Platt), Brooklyn Ave., Ft. Wayne, Ind.

1596—City Material & Coal, Inc., 8100 Bessemer Ave., Cleveland, Ohio.
 1642—Cleveland-Cliffs Coal Sales Co., 59 S. Van Buren St., Chicago, Ill.
 1643—Cleveland-Cliffs Dock Co., The, Duluth, Minn.
 1668—Clyde Coal Co., 5901 W. 28th St., Cicero, Ill.
 1680—Coche, J. A., Box 387, Central City, Ky.
 1734—Collingwood and Seaman (Clinton E. Lawrence), 41 Market St., Poughkeepsie, N. Y.
 1763—Conco Building Products, Inc., Box 111, Mendota, Ill.
 1776—Conley Coal Co., B. F. (B. F. Conley), Newton, Ill.
 1800—Consolidated Fuel Co. (Robt.) W. McGinnis, No. 845 Nye Ave., Fremont, Nebr.
 1799—Consolidated Terminal Corp., 11th & E. Sts., SW., Washington, D. C.
 1816—Consumers Coal Co. (M. P. Matson), 603 S. Center St., Marshalltown, Iowa.
 1811—Consumers Company of Illinois, 111 W. Washington St., Chicago, Ill.
 1813—Consumers Ice & Cold Storage Co., Andalusia, Ala.
 1876—Corey Scheffel Lumber Co., Inc., 1433 S. Preston St., Louisville, Ky.
 1975—Crilly Coal Company (Daniel P. Holzner), 1215 Dorr St., Toledo, Ohio.
 2134—Darnell Coal Co. (W. L. Darnell), Wellman, Iowa.
 2175—Dawson-Gruman Co., Inc., 637 S. West St., Syracuse, N. Y.
 2177—Day Coal Company, The, 1630 Third St., Sioux City, Iowa.
 2260—DePrez Associates, Inc., John, 601 S. Noble St., Shelbyville, Ind.
 2261—Derby Coal Company (N. M. Derby), 520 S. Main St., Burlington, Iowa.
 2284—Detroit City Ice & Fuel Co., 6247 Grand River Ave., Detroit, Mich.
 2326—Dicks Coal Mining Co. (L. T. Dicks), 3211 Alta Vista Drive, Chattanooga, Tenn.
 2375—Dixie Coal Sales Co., Corning, Ohio.
 2553—Duncanson, Fred, Winnebago, Minn.
 2556—Dunfee-Keyser Coal Co., 620 Lake St., Jackson, Mich.
 2561—Dunn Coal Co., Gallia & Broadway, Portsmouth, Ohio.
 2563—Dunn Coal Corp., John J., 5100 Federal St., Chicago, Ill.
 2568—Dunreath Coal Co., Box 68, Knoxville, Iowa.
 2596—Dyl Dock Corporation, 2440 Union Guardian Bldg., Detroit, Mich.
 2601—Eagle Boat Store Company, 884 North Wharf, St. Louis, Mo.
 2616—Eastern Coal & Coke Co. (J. H. Rosen), 1033 Morgan Ave., N. Minneapolis, Minn.
 2618—Eastman Coal Co., 342 N. Oakley Blvd., Chicago, Ill.
 2637—Economy Coal & Trucking Co. (B. L. Goldman), 7113 Euclid Ave., Cleveland, Ohio.
 2646—Edgemont Coal & Cement Co., The, 1611 Germantown St., Dayton, Ohio.
 2700—Elcomb Coal Sales Agency (H. K. Buttermore), Box 151, Harlan, Ky.

- 2718—Elshorn Mining Company, Inc., Pikeville, Ky.
 2744—Elmira Coal Company, 322 Penn Ave., Elmira, N. Y.
 2752—Empire Coal Company, Inc., 721 Fleming Bldg., Des Moines, Iowa.
 2766—Endress, Inc., William F., 66 Foote Ave., Jamestown, N. Y.
 2798—Erskine & Sons, Inc., 300 Water St., Lowellville, Ohio.
 2826—Evans Implement Co. (G. W. Evans), 302 Broadway, Grand River, Iowa.
 2828—Evans, John G., Avery, Iowa.
 2838—Ewell Fuel Company (Frank David Ewell, Jr.), 200 E. Vickery, Ft. Worth, Tex.
 2855—Fairlawn Supply & Coal Co., The, 1855 W. Market St., Fairlawn, Ohio.
 2905—Federal Lime & Stone Co., The, 1515 Williamson Bldg., Cleveland, Ohio.
 2915—Fellenz Coal & Dock Company, N. Broadway & E. State St., Milwaukee, Wis.
 2935—Ferguson, O. W., Chester, W. Va.
 3036—Flat-Top Fuel Company, Inc., Bluefield, W. Va.
 3054—Florida Coal Company, Coulterville, Ill.
 3105—Fort Dodge Fuel Company, Fort Dodge, Iowa.
 3114—Foster Coal Co. (B. C. Foster), Dexter, N. Y.
 3203—French Coal Company, Box 609, Bluefield, W. Va.
 3225—Frick Coke Company, H. C., P. O. Box 326, Frick Bldg., Pittsburgh, Pa.
 3262—Fuel Service Company, Jeddo, Pa.
 3315—Gallond Coal Co., W. A. (W. A. Gallond), 14 E. Jackson Blvd., Chicago, Ill.
 3367—Gateway Coal Co., 905 Metropolitan Life Bldg., Minneapolis, Minn.
 3408—George's Creek Coal Co., Inc., P. O. Box 88, Cumberland, Md.
 3462—Giles Coal & Coke Co., B. F. (Mrs. W. Olene Giles), 419 Jefferson St., Huntsville, Ala.
 3476—Gillmore & Co., Fred K., American National Bank Bldg., Pensacola, Fla.
 3497—Gish Manufacturing Co. (Paul T. Gish), Athens, Ala.
 3511—Glenn & Ramsey, 1924 Avondale Ave., Charlotte, N. C.
 3595—Goodwin & Son, J. H. (Eva M. Goodwin), West Coxsackie, N. Y.
 3597—Goodwin, C. B. (Portland Coal & Supply Co.), 407 N. Meridian St., Portland, Ind.
 3615—Gorman-Boston Fuel Corp., 114 State St., Boston, Mass.
 3624—Gosline & Co., Inc., W. A. 1202 Lagrange St., Toledo, Ohio.
 3643—Graff, Alvin F., 701 S. Broadway, New Philadelphia, Ohio.
 3692—Greeley, Arthur L., 114 Liberty St., New York, N. Y.
 3705—Greene-Hamm Coal & Supply, Inc., 218-220 N. 5th St., Goshen, Ind.
 3712—Greenman Coal Co., Geo. H. (F. J. MacMackin), 513 Charlotte St., Utica, N. Y.
 3723—Gregory Coal, Coke & Lime Co. (Geo. Gregory), Marshalltown, Iowa.
 3737—Griffith-Consumers Company, 1413 New York Ave. NW., Washington, D. C.
 3777—Grove and Weber Company, The, Miamisburg, Ohio.
 3791—Guarantee Fuel & Supply Co. (August H. Bosch), Bay Village, Ohio.
 3794—Guinn, Jr., Bob, Savannah, Tenn.
 3808—Gunn-Queally Coal Co., Queally, Wyo.
 3867—Haines Coal Co., 85 S. Washington Ave., Battle Creek, Mich.
 3883—Hall Corporation, George, 502-504 Riverside Ave., Ogdensburg, N. Y.
 3927—Hamilton Fuel Company, Wynnefield & Bryn Mawr Aves., Philadelphia, Pa.
 3939—Hampton Fuel Company, 3525 W. Division St., Chicago, Ill.
 3963—Hannan Coal Company, 9th & Cash Sts., Burlington, Iowa.
 4004—Harmon Creek Coal Sales, Providence, Ky.
 4007—Harmony Feed & Fuel Co. (Joel Wolsted), Harmony, Minn.
 4015—Harrigan Coal Co., Daniel (Alice J. Harrigan), 528 W. Kalamazoo Ave., Kalamazoo, Mich.
 4042—Hart Coal Corporation, Mortons Gap, Ky.
 4027—Harris, Ray H., 816 Meridian St., Jasonville, Ind.
 4106—Hawthorne Coal Company, (George F. Franck), 3584 W. 67th St., Cleveland, Ohio.
 4116—Hayes Estate, Wm. F. (Wm. F. Hayes Sons), 523 Potter Avenue, Utica, N. Y.
 4151—Hedenberg, George D., 106 S. Front St., Milton, Pa.
 4155—Hedstrom Coal Co., B. L., 37 W. Van Buren St., Chicago, Ill.
 4196—Hellriegel, Carl J., 350 Union St., Hamburg, N. Y.
 4227—Henry, J. M., 713 5th Ave., Juniata, Altoona, Pa.
 4265—Herron Coal Company, J. L. (J. L. Herron), 2400 Helman St., Nashville, Tenn.
 4284—Hess Co., The A & L, Beekman & Queen City Ave., Cincinnati, Ohio.
 4314—Hi-Grade Fuel Company, 2520 Falund St., Rockford, Ill.
 4312—Highland Lumber & Fuel Co., 602 18th St., Rockford, Ill.
 4336—Hill, J. B., Orient, Ohio.
 4355—Hinnners Company, George R., 1401 N. Magnolia Ave., Chicago, Ill.
 4382—Hoagland, Maurice F., 1741 Grand Ave., Dayton, Ohio.
 4435—Holbrook Coal Company (Joseph F. Plechocki), 2931 E. McNichols Rd., Detroit, Mich.
 4488—Hoosier Coal Sales Co. (Roy E. Price), 47 So. Pennsylvania St., Indianapolis, Ind.
 4541—Howard Coal & Coke Co., Inc., 6th St., & 2nd Ave., Brooklyn, N. Y.
 4555—Howell, Sarah Binion, Evergreen, Ala.
 4581—Hudson Fuel Company, The, 5052 Glazier Ave., Cleveland, Ohio.
 4582—Hudson Valley Coal & Coke Co., Burlington, Vermont, 194 College St.
 4592—Hughes & Company, C. A., P. O. Box 28, Cresson, Pa.
 4638—Huntsville Transfer & Building Material Co. (J. B. Van Valkenburgh), P. O. Box 567, Huntsville, Ala.
 4672—Illinois Coal Co., 807 Continental Bldg., St. Louis, Mo.
 4682—Independent Coal Company, 618 S. Main St., Burlington, Iowa.
 4693—Interstate Coal Company, 311 Empire Building, Des Moines, Iowa.
 4696—Iowa Coals, Inc., 720 Fleming Bldg., Des Moines, Iowa.
 4718—Ives-Frana Fuel Co., 401 2nd St., N. E., Cedar Rapids, Iowa.
 4721—Jackson Coal Company (C. A. Sloan), Jackson, Ohio.
 4732—Jacobs, Charles D., Pikeville, Ky.
 4756—James, Earl, Box 265, Parsons, Kans.
 4818—Jewel Coal & Mining Co., 3740 E. 15th St., Kansas City, Mo.
 4832—Johns Coal Company, Winchester, Ky.
 4839—Johnson Coal Company (D. L. Johnson), 12th St. and 10th Avenue, Columbus, Ga.
 4842—Johnstown Coal & Coke Co., Inc., 17 Battery Pl., New York, N. Y.
 4924—Kane, Thomas Joseph, 1815-45 N. Ashland Avenue, Chicago, Ill.
 4983—Kedel, G. E., 1640 Clarence Avenue, Lakewood, Ohio.
 4996—Keller, Joe H., Big Four R. R. & Warder St., Springfield, Ohio.
 5007—Kelley, John P., Phillipsburg, Pa.
 5013—Kemmerer Coal Co., The, Frontier, Wyo.
 5026—Kenny, John F. (Buffalo and Freeport Coal Co.), 384 Crescent Ave., Buffalo, N. Y.
 5036—Kentucky Straight Creek Coal Co., Inc., Four Mile, Ky.
 5058—Keystone Coal Company, 131 E. Kalamazoo Ave., Kalamazoo, Mich.
 5093—Kinlaw Coal Co., Inc., Lumberton, N. C.
 5163—Kniffin, Leonard D., 1012 Baltimore Ave., Kansas City, Mo.
 5248—Kraft, Walter J., 7533 W. Morrow Circle, Dearborn, Mich.
 5273—Kristianson & Johnson Coal Co., Inc., Lanse, Pa.
 5284—Krudop, Geo. H., 1431 Francis St., Ft. Wayne, Ind.
 5326—Lackey Coal Co. (Vaden Lackey), Green Hills Drive, Nashville, Tenn.
 5349—Lake, Otis F., 209 Concord St., Dayton, Ohio.
 5353—Lamb Coal Company, 678 S. Crest Road, Chattanooga, Tenn.
 5405—Larkins Co. (R. E. Larkins), 1515 East Ave., Erie, Pa.
 5498—Lehigh Valley Coal Sales Co., 90 West St., New York, N. Y.
 5513—Leon Coal Sales, Lawrence (Lawrence Leon), 120 Liberty St., New York, N. Y.
 5515—Leonard-Warrick Coal Co. (L. F. Leonard), 24½ Genesee St., Auburn, N. Y.
 5527—Leszczynski Fuel Co., 2078 So. Fourth St., Milwaukee, Wis.
 5537—Levin, Harry, Columbia City, Ind.
 5552—Lewis Coal Company, 332 Pleasant Street, New Lexington, Ohio.
 5555—Lewis, Robert O., Wheeling Bank & Trust Bldg., Wheeling, W. Va.
 5564—Liberty Fuel & Ice Co., 201 S. E. Third Ave., Portland, Oreg.

5567—Lichtfus & Son, Herman (Richard T. Lichtfus), 438 N. River St., Janesville, Wis.

5615—Lion Coal Corporation, P. O. Box 27, Ogden, Utah.

5637—Little-Jones Coal Co., 310 S. Michigan Ave., Chicago, Ill.

5677—Logsdon Fuel & Supply Corp., 229 Shelby St., Indianapolis, Ind.

5763—Lundale Coal Company, 1106 St. Marys Ave., Ft. Wayne, Ind.

5800—Maas Fuel Company, W. C., 3015 W. Center St., Milwaukee, Wis.

5835—Macquown Fuels (W. C. Macquown), 304 Law Bulletin Bldg., Pittsburgh, Pa.

5855—Maguire Coal, Inc., 1518 Hertel Ave., Buffalo, N. Y.

5864—Maher Co., M. A. (A. A. Maher), 121 N. Broadway, Greenville, Ohio.

5878—Majors Coal Company (J. E. Majors), 120 Jefferson Blvd., Tarrant, Ala.

5953—Marrinette Fuel & Dock Co., 1710 Main St., Marinette, Wis.

5991—Martin Coal & Supply, Inc., 1817 E. Wayne St., Ft. Wayne, Ind.

6012—Mason Coal & Lumber Co., Inc., 428 Wilkinson St., Frankfort, Ky.

6013—Mason-Hefin Coal Co., Inc., 4th & Allegheny Ave., Philadelphia, Pa.

6070—Maxson & Starin (John S. Maxson), Grove & Fulton Sts., Homer, N. Y.

6123—McClain, Charles L., R. F. D. Cochranville, Pa.

6134—McConnel Coal Company, F. D., Furniture Bldg., Evansville, Ind.

6138—McConville Coal Company, Centerville, Iowa.

6183—McElwee, T. R., 130th St. & S. Halsted, Blue Island, Ill.

6192—McGinnis, Ann, 106 Venango St., Johnstown, Pa.

6225—McHose Company, H. H. (H. H. McHose), 524 Commonwealth Bldg., Allentown, Pa.

6368—Mercury Coal Company (C. J. Connell), 1528 Waterloo Road, Cedar Falls, Iowa.

6393—Metropolitan Coal & Oil Co., Inc., 945 N. Davidson St., Indianapolis, Ind.

6402—Meyer Coal & Material Co., Inc., 1155 Lee St., Des Plaines, Ill.

6423—Michael Coal Co (Generous Michael), 1270 Washington Avenue, Frankfort, Ind.

6436—Midland Coal Company, 510 Second Ave., Dallas, Tex.

6439—Midwest Fuel Company, 1115 Security Trust Bldg., Indianapolis, Ind.

6448—Millard & Co., Inc., Frank, 104 N. Main St., Burlington, Iowa.

6458—Miller, Geo. T., 610 New Jersey Ave., Norfolk, Va.

6462—Mills Coal & Mining Co. (J. M. Mills), 915 S. 23rd St., Ft. Smith, Ark.

6516—Mohr Brothers Hardware Co., Box 43, Flat Rock, Ind.

6526—Mollema & Son Fuel Co., J. (John Mollema), 1541 Eastern Ave., S. E., Grand Rapids, Mich.

6533—Monarch Coal Company, 1538 Dime Bank Bldg., Detroit, Mich.

6537—Monmouth Coal Sales Co., Shrewsbury, N. J.

6549—Montour & Northwestern Coal Company, The, 325 Union Bldg., Cleveland, Ohio.

6563—Moore Fuel Company (Charles J. Moore), 300 W. 23rd St., Baltimore, Md.

6564—Moore, J. M., 1035-37 U. S. Nat'l Bank Bldg., Denver, Colo.

6617—Morse-Crabbe Coal & Supply Co., The, 1653 Doan Ave., East Cleveland, Ohio.

6655—Moye, Henry L., North George St., Goldsboro, N. C.

6658—Moynihan, James H., Fenimore Road, So., Glens Falls, N. Y.

6738—Myers, Jr., Henry M., 610-15th St., Beaver Falls, Pa.

6736—Myers, Walter G., 522 E. Gates St., Philadelphia, Pa.

6760—National Coal & Coke Co., 9141 Monica Ave., Detroit, Mich.

6824—New England Fuel Sales Co., 25 Bellevue Ave., Springfield, Mass.

6837—Newett Coal Co., E. L. (E. L. Newett), 761 N. Riley Ave., Indianapolis, Ind.

6859—Nichol Lumber Co., P. S. (P. S. Nichol), St. Charles, Ill.

6883—Norfolk Coal & Oil Co., Inc., 545 Front St., Norfolk, Va.

6900—North End Fuel Co., 17 Leonard St., N. E., Grand Rapids, Mich.

2005—Northern Coal Co. (E. C. Crowley), 2047 Seward Ave., Detroit, Mich.

6937—Old King Coal Company, Centerville, Iowa.

7012—O'Malley & Son Fuel & Supply Co., P., 29 Castle St., Geneva, N. Y.

7035—Orgain Coal Co. (J. L. Orgain), 306 Monroe St., Huntsville, Ala.

7046—Ortwein Coal Co. (Julius H. Ortwein), 6618 French Road, Detroit, Mich.

7078—Overland Coal Mining Co. (O. Y. Warren), 347 Madison Ave., New York, N. Y.

7090—PV & K Coal Company, The, Box 412, Monongahela, Pa.

7095—Packaged Fuel Co., Inc., P. O. Box 292, Charlottesville, Va.

7127—Panther Creek Mines, Inc., 225½ S. 6th St., Springfield, Ill.

7137—Paris Fuel Company, Paris, Ark.

7166—Paschall & Sons, Inc., H. M., Holly Oak, Del.

7183—Paul Coal Company (Fred H. Paul), Hillisburg, Ind.

7214—Peekskill Coal & Fuel Oil Co., Inc., Peekskill, N. Y.

7215—Peerless Coal Company (Harper J. Guinn), 529 Commercial Trust Bldg., Philadelphia, Pa.

7219—Pen-Mar Co., Inc., 324 Munsey Bldg., Baltimore, Md.

7226—Pennridge Coal Co., Inc., 15 Moore St., New York, N. Y.

7229—Penwell Coal Mining Co., 4th & Chestnut Sts., Pana, Ill.

7236—Perkins Coal Company (C. L. Perkins), 1246 Melrose St., Chicago, Ill.

7283—Pfaelzer Coal Company, 309 W. Jackson Blvd., Chicago, Ill.

7303—Philips Coal & Wood Yard, 1620 5th Ave., Columbus, Ga.

7363—Pledge, E. G.—Clarksville, Mo.

7369—Plumer, Harold R., Batavia, Ill.

7400—Portage Fuel Co., 1006 U. S. National Bank Bldg., Johnstown, Pa.

3597—Portland Coal & Supply Co. (C. B. Goodwin), 407 N. Meridan St., Portland, Ind.

7424—Powell Coal Yard, R. A., 4th & Green Streets, Henderson, Ky.

7465—Pritchard Coal Company, 1420 Kanawha Valley Bldg., Charleston, W. Va.

7492—Pure Coal Co., Inc., 11 Berkley Place, Lawrence, N. Y.

7501—Quality Coal Company (Robert Tooke), 2300 South Ave., La Crosse, Wis.

7502—Quality Coal Sales Company, 10 S. La Salle St., Chicago, Ill.

7539—Raiford Coal Company (R. C. Raiford), 1007 S. RR St., Phenix City, Ala.

7547—Ralph Coal Company, 873 Western Ave., Toledo, Ohio.

7549—Ramsey Coal Company, 1034 S. Cedar St., Lansing, Mich.

7551—Randall & McAllister, 84 Commercial St., Portland, Maine.

7578—Raven Coal Co., The, 16 E. Broad St., Columbus, Ohio.

7585—Ray Coal Co., Inc., 2410 E. 72nd St., Cleveland, Ohio.

7588—Raymond City Coal & Transportation Corp., 3216 Carew Tower, Cincinnati, Ohio.

7653—Reliable Coal Co., Inc., The, 2302 Riedmiller Ave., Ft. Wayne, Ind.

7661—Reppert Coal Company, Flemington, W. Va.

7694—Richardson Coal & Feed Co., Clarksville, Tenn.

7713—Ridge Mining Company, Dysart, Pa.

7732—Risdon Coal Company, 5250 14th St., Detroit, Mich.

7763—Roberts Coal Company, Murfreesboro, Tenn.

7806—Rogers, Paul T., 733 Chestnut St., Latrobe, Pa.

7808—Rogers, William J., Elm St., Middlebury, Vt.

7823—Romesberg, Norman, Martinsburg, W. Va.

7845—Rosenberg & Forbes Co., Inc., Watervliet, Mich.

7885—Rout, R., N. Seneca St., Defiance, Ohio.

7935—Russell Coal Co., William E., The, 318 Walnut St., Denver, Colo.

7937—Russell Coal Sales Co., 115 Butternut Ave., Pomeroy, Ohio.

7946—Rutter Coal Co., 1246 Melrose St., Chicago, Ill.

1914—S. & S. Coal Co. (Sara C. Cowles), Box M, Rennerdale, Pa.

7970—St. Clair Coal & Supply Co., 20300 St. Clair Ave., Cleveland, Ohio.

7972—St. John Coal Co., Inc., The, 875 Spencer St., Toledo, Ohio.

7983—Sale Coal Co., B. W. (B. W. Sale), 414 Opera House Bldg., Terre Haute, Ind.

7986—Salter Coal Co. (Thad M. Salter), 15 Clanton St., Opelika, Ala.

8003—Sandel & Co., W. D., 2739 No. Kildare Ave., Chicago, Ill.

8013—Sanford & Zartman Lumber Co., Freeport, Ind.

8025—Sargent, Merritt W., 206 Harrison Ave., Westfield, N. J.

8225—Sears Coal & Coke Co. (John P. Sears), 905 W. Grand Ave., Decatur, Ill.

8269—Serv-Ice Company, Inc., 309 Spring St., Jeffersonville, Ind.

8233—Shadyside Fuel Company (W. T. McGee), 713 Second National Bank

Bldg., Uniontown, Pa.
 8292—Shardon, Inc., Fred E., 425 Park Ave., Lockport, N. Y.
 8293—Sharp & Son, George A. (George A. Sharp), 100 S. Broadway, Decatur, Ill.
 8297—Shavers Mountain Coal Co., Elkins, W. Va.
 8305—Shaw Wholesale Coal Co., J. (Jacob Shaw), 619 E. 19th St., Kansas City, Mo.
 8313—Shearn Coal Company (Clyde E. Pratt), 1005 Cotton Belt Bldg., St. Louis, Mo.
 8320—Shelby Coal Company, Inc., Box 253, Pikeville, Ky.
 4797—Shelby Coal Co. (W. K. Jenne), Pikeville, Ky.
 8348—Shippers Fuel Corporation, 111 W. Washington St., Chicago, Ill.
 8396—Shippers Fuel Corporation, 111 W. Washington St., Chicago, Ill.
 8396—Silk, John D., 2133 Sinton Ave., Cincinnati, Ohio.
 8433—Sinclair Company, J. T., 225 Gratiot Ave., Detroit, Mich.
 8438—Sinton Transfer (Thomas F. Talbot), 523 Blondeau St., Keokuk, Iowa.
 8452—Skidmore Coal Company (Stanley L. Skidmore), 52 Capital Ave., S. W. Battle Creek, Mich.
 8467—Slattery Brothers, Inc., 2222 Girard Trust Bldg., Philadelphia, Pa.
 8488—Smith Coal & Oil Co., S., 69 Johnston Ave., Kearny, N. J.
 8492—Smith, Edwin Merrill, 601 Hibbard Apts., 8905 Jefferson E., Detroit, Mich.
 8489—Smith, J. C. & H. E. (Smith Coal Co.), Independence, Iowa.
 5414—Southwest Coal Sales (Thos. S. Laser), 1002 Foshay Tower, Minneapolis, Minn.
 8624—Stahl, Charles W., 617 Electric Ave., Lewiston, Pa.
 8639—Standard Fuel Company, 2219 Highland Drive.
 8637—Standard Fuel Co., The, 16 E. Broad St., Columbus, Ohio.
 8764—Stone Lumber Company (R. M. Stone), 2400 E. Michigan Ave., Jackson, Mich.
 8784—Strasheim Fuel Co., Geo. (Geo. Strasheim), 505 F. St., Lincoln, Nebr.
 8826—Suffolk Feed & Fuel Co., Inc., 219 Saratoga St., Suffolk, Va.
 8841—Sumption-Heady-Hunt Co., 1501 N. Market St., Kokomo, Ind.
 8859—Supreme Coal Company, 51 E. South St., Akron, Ohio.
 8905—Taggart Coal Sales Co., The, Massillon, Ohio.
 8940—Teagan Coal Co. (Bradley M. Masaitis), 8020 Joy Road, Detroit, Mich.
 8950—Tennies Coal Company, 102 W. Walnut St., Green Bay, Wis.
 8956—Ternes Bros., 6132 Mich. Ave., Detroit, Mich.
 8957—Terra Coal Company, 519 New Center Bldg., Detroit, Mich.
 9008—Thorsen Lumber Co. (Robert V. Thorsen), 256 Main St., Batavia, Ill.
 9035—Tipton Coal Co., Inc., 704 N. Walnut St., Brazil, Ind.
 9056—Tomson, Bert S., 1314 Brady St., Davenport, Iowa.
 9109—Trimble Coal Co. (Charles Trimble), 164 Ft. Wayne Ave., Richmond, Ind.

9110—Trinkwalder & Sons, F., 146 Ironton St., N. Tonawanda, N. Y.
 9117—Trombly Coal Co., 10530 Gratiot Ave., Detroit, Mich.
 9155—Tway Coal Sales Co., R. C., Louisville, Ky.
 9156—Twilley #9 Coal (J. R. Twilley), 1824 Water Ave., Selma, Ala.
 9170—Union Collieries Company, Oakmont, Pa.
 9209—Valley Mercantile Co., 411 Professional Bldg., Elgin, Ill.
 9216—Van Thiel, Walter C., Bull Creek Road, R. F. D. #2, Tarentum, Pa.
 9213—Vance Coal Company (J. H. Johnston), Box C, Wampum, Pa.
 9277—Victor-American Fuel Co., The, 319-327 Ernest & Cranmer Bldg., Denver, Colo.
 9283—Vinson, J. A., S. Center St., Goldsboro, N. C.
 9289—Virginia Coal Company, Broadway & C. & O. R. R., Muncie, Ind.
 9371—Walker & Bro., W. D. Bigler, Pa.
 9380—Wall Coal Co., 110 West St., Winston-Salem, N. C.
 9394—Walsenburg Colorado Coal Co., The, Mining Exchange Bldg., Walsenburg, Colo.
 9404—Walton Coal Company, 1506 S. Anthony Blvd., Ft. Wayne, Ind.
 9424—Ward & Company, E. A., 17 Battery Pl., New York, N. Y.
 9440—Warren & Davis Coal Co. (Ralph D. Warren & John M. Davis), 1510 Bellevue Ave., Syracuse, N. Y.
 9445—Warren Corp. George E. (Mass.), 31 St. James Ave., Boston, Mass.
 9454—Wasson Coal Company, Harrisburg, Ill.
 9488—Wax, David, 400 S. Main St., Kenton, Ohio
 9568—Weller, Jr., W. H., 944 Martin Bldg., Birmingham, Ala.
 9572—Wells Coal Co., Inc., Geo. N., Mt. Rainier, Md.
 9607—West Virginia Fuel & Iron Co., 604 Wheeling Bank & Trust Bldg., Wheeling, W. Va.
 9661—White, D. L., 4602 Baring Ave., East Chicago, Ind.
 9668—White Wood & Coal Yard (R. L. DuVal), Kinston, N. C.
 9675—Whiteley & Buckalew, Inc., 19 Rector St., New York, N. Y.
 9692—Wickens Coal Company (Way Wickens), Dexter City, Ohio.
 9600—Wiegandt, Ralph M. (West Side Fuel Co.), 1000 S. Pine St., Lansing, Mich.
 9707—Wiesner, Fred A., 1125 Ave. H., Ft. Madison, Iowa.
 9775—Wilson Coal Co., 814 E. Main St., Marshalltown, Iowa.
 9864—Woodruff Coal Company (Francis Bauer & Larry Wiskirchen), 624 Kentucky Ave., Quincy, Ill.
 9878—Woolson, Kenneth H., Kinney Bldg., Newark, N. J.
 9905—Wyle Co., M. M., 501-503 So. Pearl St., Albany, N. Y.
 9952—Young Coal Company, Inc., Third Nat'l Bank Bldg., Nashville, Tenn.
 9962—Zane Brokerage Company (Joseph Tanous), 2108 Norwood Blvd., Zanesville, Ohio.
 9966—Zarlengo, Charles, 720 Majestic Bldg., Denver, Colo.

9973—Zentmeyer Coal Co., Inc., Box 506, Martinsville, Va.
 9977—Zero Ice Company, 60 Michigan St., Joliet, Ill.
 9995—Zone Coal & Supply Co., The, 9305 Woodland Ave., Cleveland, Ohio.
 9944—Yorktown Ice & Storage Corp., Yorktown, Va.

[F. R. Doc. 42-1513; Filed, February 20, 1942; 10:53 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board 11 having filed a complaint with the Bituminous Coal Division on May 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Morris & Campbell, a partnership, a code member in District 11, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices For District No. 11 For Truck Shipments, and with intent to violate the same and in violation thereof, sold lump coal produced by the defendant at its Rock Hollow Mine, Mine Index No. 641, located in Sullivan County, Indiana, at a price of \$1.80 per net ton when the effective minimum price applicable thereto was \$2.20 per net ton f. o. b. the mine; the defendant having filed an answer admitting the allegations contained in the complaint;

Pursuant to an Order of the Director and after notice to all interested persons a hearing having been held in this matter on September 24, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an opinion, which are filed herewith, and having found that the defendant's code membership should be revoked and cancelled and that pursuant to section 5 (c) of the Act, the tax required to be paid by the defendant as a condition to reinstatement in the Code will be \$1,213.51; and having made Conclusions of Law that the defendant's code membership should be revoked and cancelled;

An Order having been entered on October 31, 1941, revoking the defendant's code membership and providing that prior to any reinstatement of the defendant or any partner therein, Moss Morris and Floyd Campbell, to membership in the Code, there shall be paid to the United States a tax, as provided in

section 5 (c) of the Act, in the amount of \$1,213.51;

A motion having been filed by the complainant to reopen the hearing and pursuant to an Order of the Acting Director and after notice to all interested persons the reopened hearing having been held in this matter on January 19, 1942, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report on the reopened hearing by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the Order of the Director dated October 31, 1941, revoking and cancelling the code membership of the defendant and providing that prior to the reinstatement of the defendant or any partner therein, Moss Morris and Floyd Campbell, to membership in the Code, there shall be paid to the United States a tax in the amount of \$1,213.51, be and the same hereby are modified as indicated in the accompanying Findings of Fact, Conclusions of Law and Opinion.

It is further ordered, That the code membership of the defendant, Morris & Campbell, be and it hereby is revoked and cancelled;

And it is further ordered, That prior to the reinstatement of defendant or any partners therein to membership in the code there shall be paid to the United States a tax in the amount of \$669.24, as provided in section 5 (c) of the Act.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1514; Filed, February 20, 1942;
10:53 a. m.]

[Docket No. 1854-FD]

IN THE MATTER OF RAWLINS COAL
COMPANY, DEFENDANT

CEASE AND DESIST ORDER

District Board 19 having filed a complaint, and an amendment thereto, with the Bituminous Coal Division on August 1, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Rawlins Coal Company, a code member in District 19, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant during the period October 1, 1940, to February 25, 1941, sold 663 tons of slack coals, produced by the defendant at its Rawlins Mine (Mine Index No. 165) located in Carbon County, Wyoming, in District 19, to Wyoming State Penitentiary, Rawlins, Wyoming, at prices 24 cents below the effective minimum prices for such coals;

Pursuant to an Order of the Director and after due notice to all interested

persons, a hearing in this matter having been held on November 26, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Cheyenne, Wyoming, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the defendant, Rawlins Coal Company, its partners, representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act in its behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at prices less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937, or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 19 for All Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1515; Filed, February 20, 1942;
10:55 a. m.]

[Docket No. 1860-FD]

IN THE MATTER OF SIDNEY THAYER, CODE
MEMBER, DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 19, alleging wilful violation by Sidney Thayer, a code member producer in District 19, the defendant, of the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the defendant on or about April 25, 1941, sold approximately six tons of slack coal (Size Group 15 or 16) at \$1.25 per net ton f. o. b. the mine for which the effective minimum f. o. b. mine price was \$1.50 per net ton f. o. b. the mine;

The defendant having filed an answer dated November 7, 1941, denying the charged violation;

Pursuant to appropriate Orders and after due notice to all interested persons, a hearing in this matter having

been held on November 26, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Cheyenne, Wyoming, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and at which District Board 19 and the defendant appeared;

At the conclusion of the hearing, the preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the defendant, his representatives, agents, servants, employees, attorneys, successors, and assigns, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained from selling and offering to sell coal at prices below the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder; the Bituminous Coal Code; and the Schedule Effective Minimum Prices for District No. 19 for All Shipments.

It is further ordered, That if the defendant fails to comply with this Order the Division may forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such defendant carries on business for the enforcement hereof.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1516; Filed, February 20, 1942;
10:55 a. m.]

[Docket No. 1780-FD]

IN THE MATTER OF EDWIN R. EBERHART,
DEFENDANT

ORDER APPROVING AND ADOPTING WITH MODIFICATION, THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division ("Division") on June 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), by Bituminous Coal Producers Board for District No. 4 ("District Board 4"), alleging that Edwin R. Eberhart, a code member in District 4, defendant, had wilfully violated the Bituminous Coal Code (the "Code") or rules and regulations thereunder by selling for shipment by truck during February and March 1941, approximately 6600 net tons of 2" x 0 nut and slack coal (Size Group 7), produced at the defendant's Eberhart Mine (Mine Index No. 1727), in District 4, and de-

livered the same by truck at prices lower than the effective minimum f. o. b. mine price for such coal, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing was held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof, in Canton, Ohio, on October 10, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter dated December 15, 1941, in which he found that the defendant had wilfully violated the Act by selling and delivering during the period February 3 to May 29, 1941, 6273.165 tons of 2" x 0 nut and slack coals to several named purchasers at prices below the applicable effective minimum price plus the actual cost of transportation. The Examiner recommended that the defendant's code membership be revoked and cancelled.

An opportunity was afforded to all interested parties to file exceptions to the Examiner's Report, and supporting briefs. The defendant has filed exceptions to the Examiner's Report, Proposed Findings of Fact, and Proposed Conclusions of Law, and has filed a supporting brief. No exception is taken to the Examiner's findings with respect to the tonnages sold by defendant and the prices received therefor. Exception is, however, taken to (1) the propriety of the proceeding, (2) the exercise of jurisdiction over the defendant, and (3) the sufficiency of the evidence to support the finding with regard to the costs of trucking.

The defendant excepted to the procedure of the Examiner in permitting counsel for the Division, in the absence of the complainant, to appear in the hearing and adduce evidence with respect to the transactions alleged in the complaint, over the timely objection of the defendant. It appears from the record that the complaint was filed by District Board 4 and that due notice of the time and place of the hearing was given to the complainant; that the complainant failed to appear; that the complainant failed to take action in the premises authorized or required by the Act; and, that thereupon, an attorney for the Division proceeded to develop the facts concerning the violation charged.

The defendant urged that the Division has no power under the Act to initiate or prosecute a complaint against a code member and that there is no provision in its Rules of Practice and Procedure governing such matters which provide for Division counsel appearing in these circumstances. The Division in this case has not assumed such power.

A complaint of violation having been properly filed pursuant to the provisions of the Act, a hearing was duly called for the purpose of developing all the relevant facts pertaining to the alleged violation. To the end of securing a comprehensive record embodying those facts

it is the function and indeed the responsibility of the representative of the General Counsel's Office to develop those facts both by direct and cross examination of witnesses to ensure that an adequate record is made upon the basis of which the Acting Director can determine whether or not the alleged violation was committed. The action of the representative of the Office of the General Counsel in this case accords with this responsibility. Charged as it is with the responsibility of administering the Bituminous Coal Act, the obligation of the Division to determine the facts upon the filing of a complaint of violation is beyond dispute.

In the second exception the defendant contended that the Examiner's Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations should be set aside and the complaint dismissed for the reason that defendant is not engaged in interstate commerce and, therefore, is not subject to the Act.

In the first paragraph of section 4-A of the Act, it is provided that:

Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that transactions in coal in intrastate commerce by any person or in any locality cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce in coal on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce in coal, or in any manner directly affect interstate commerce in coal, the Commission shall by order so declare and thereafter coal sold, delivered or offered for sale in such intrastate commerce shall be subject to the provisions of section 4.

Pursuant to section 4-A a hearing was held (Docket 18-FD) and an Order entered by the National Bituminous Coal Commission on November 11, 1937, declaring that "substantially all transactions in bituminous coal in intrastate commerce in all localities within the State of Ohio directly affect interstate commerce in such coal," and that there will be an undue or unreasonable advantage, preference or prejudice as between transactions in intrastate commerce in Ohio on the one hand and interstate commerce in bituminous coal on the other hand and an undue, unreasonable, or unjust discrimination against interstate commerce in coal if such transactions or any substantial part thereof are not regulated and subjected to the provisions of section 4 of the Act. The Order provided that on and after December 15, 1937, all bituminous coal sold, delivered, or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Ohio shall be subject to the provisions of section 4 of the Act and to all relevant Orders of the Commission then in effect or that may thereafter be promulgated. The Order further provided that any producer who may believe that his or its transactions

in intrastate commerce in bituminous coal should be exempted from this Order or sections 4 or 4-A of the Act, may, at any time hereafter, file an application for exemption pursuant to Section 4-A of the Act and be entitled to a hearing and appropriate Orders thereon.

In his brief the defendant contends that he was not a code member at the time the above-mentioned Order was entered, and, therefore, the Order is not applicable to him. The record shows (Exhibit 2) that the defendant's acceptance of the Code was executed by him on July 27, 1937, and became effective on July 28, 1937. Thus the defendant is in error as to the date of his effective code membership. Moreover, without regard to the date of an acceptance of the Code, a code member, by virtue of the acceptance of the Code, becomes subject to the Code and all rules and regulations thereunder.

The defendant did not avail himself of the right to file a petition for exemption nor of his right to contest the order entered in Docket No. 18-FD under the provisions of Section 6 (b) of the Act.

The defendant, not having availed himself of either remedy, may not collaterally attack the Order entered in Docket No. 18-FD in this proceeding, notwithstanding the provision of section 3 (f) of the Act, urged by defendant in the brief, that acceptance of the Code shall not preclude or estop the defendant from contesting the constitutionality of any provision of the Act or of the Code, or the validity or application of either to him or to any part of the coal produced by him. The defendant is not estopped but he must exercise his right of attack in the manner provided for in the Act.

There is a stronger reason why, in this proceeding, the defendant should not be heard to contend that he is not amenable for these transactions on the alleged ground that they are intrastate. The second paragraph of section 4-A of the Act provides that "Any producer (code member) believing that any commerce in coal is not subject to the provisions of Section 4 (the Code) or to the provisions of the first paragraph of this section may file with the Commission an application, verified by oath or affirmation for exemption, . . ." and provides machinery by which such exemption, if proper, may be obtained. The record does not show that the defendant has filed such application. Not having followed that procedure, the defendant cannot now be heard collaterally to say that the transactions are outside the field of regulation under the Act. Moreover, it is doubtful whether such a showing could be made.

The third exception relates to the sufficiency of the evidence with respect to truck transportation charges. The Examiner found that part of the coal in question was transported in independently owned trucks hired by the defendant. The defendant concedes that the

¹ Cf. *United States v. Wrightwood Dairy Company*, — U. S. —, Case Nos. 744, 783—October Term 1941, decided February 2, 1942.

transportation charges for such coal exceeded that which the defendant added to the f. o. b. mine selling price and as to these coals the findings of fact are not questioned. The remaining coals were transported in trucks owned by the defendant and the defendant contends that the transportation cost of \$.4829 per net ton found by the Examiner is not supported by the evidence. I have examined the record and the evidence and I find and conclude that the uncontroverted evidence shows that the transportation cost was at least \$.4829. The Examiner found that the cost was exactly \$.4829 per net ton. The evidence shows that such cost was more than \$.4829 per net ton. The cost of tires, tubes, depreciation, license, repairs, et cetera, was not shown by the evidence and was not included in the \$.4829. Such expenses are material. I find, therefore, that the exception is not well taken. On the contrary, I find from the evidence that the Examiner's finding should be modified to show that the actual cost of transporting the coal in question in trucks owned by the defendant was \$.4829 per ton plus. Since only \$.40 per net ton was added to the minimum f. o. b. mine price, this modification does not affect the result.

Accordingly, I find that the exceptions of the defendant to the Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner are not well taken and should be denied.

The undersigned having determined, after a consideration of the record and the defendant's exceptions, that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, as hereinabove modified, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the exceptions of the defendant to the Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be and the same hereby are denied.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as herein modified, be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Edwin R. Eberhart, be and it is hereby revoked and cancelled, effective fifteen (15) days from and after the date of this Order.

It is further ordered, That prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of \$4,648.41, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc 42-1517; Filed, February 20, 1942;
10:55 a. m.]

General Land Office.

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 167, AMENDED

It appearing that the boundaries of Air Navigation Site Withdrawal No. 167 near Gulkana, Alaska, as defined by a departmental order of September 15, 1941, should be amended to include approximately 2,580 acres and to exclude about 3 acres, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, as follows:

1. That such additional area be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights and to the right-of-way of the Richardson Highway as to the portion affected thereby, for the use of the Department of Commerce as a part of the site;

2. That the order of September 15, 1941, be, and it is hereby, revoked so far as it affects the tract of 3 acres, more or less, no longer needed for the purpose.

The site as so amended is described with reference to an extension of existing public land surveys as follows:

Copper River Meridian

T. 4 N., R. 1 W.,

Sec. 4, W $\frac{1}{2}$

Sec. 5, all,

Sec. 6, E $\frac{1}{2}$,

Sec. 8, N $\frac{1}{2}$;

T. 5 N., R. 1 W.,

Sec. 19, SE $\frac{1}{4}$,

Sec. 20, S $\frac{1}{2}$,

Sec. 29, all,

Sec. 30, NE $\frac{1}{4}$,

Sec. 32, all;

aggregating 3,520 acres.

E. K. BURLEW,

Acting Secretary of the Interior.

February 14, 1942.

[F. R. Doc. 42-1499; Filed, February 19, 1942;
4:29 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5714]

IN THE MATTER OF THE CALIFORNIA OREGON POWER COMPANY

ORDER POSTPONING AND CHANGING PLACE OF HEARING

FEBRUARY 17, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter.

The Commission orders that: The hearing in this proceeding, heretofore set to commence on February 23, 1942, be and it is hereby postponed to February 26, 1942, at 9:45 a. m., P. W. T., in Room 247, Phelan Building, Market and O'Farrell Streets, San Francisco, California.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1505; Filed, February 20, 1942;
10:07 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4583]

IN THE MATTER OF G. F. PERGANDE, INDIVIDUALLY AND DOING BUSINESS UNDER THE NAME AND STYLE OF PERGANDE INSTITUTE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 26, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in the Hearing Room, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1529; Filed, February 20, 1942;
11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-487]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1942.

The North American Company, a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-50, U-44, and U-42 promulgated thereunder, regarding the proposed sale by The North American Company of 2,695,000 shares of no par common stock of Union Electric Company of Missouri; such stock consisting of all the issued and outstanding common stock of the latter company and consisting of the entire interest of the former company in the latter company;

Pursuant to an order of the Commission hearings in the above entitled matter having been held on February 12 and

13, 1942; and having been continued to February 20, 1942; and

The North American Company having requested that the continued hearing called for February 20, 1942, be postponed subject to the call of the Trial Examiner on the ground that "The North American Company has not determined upon the price at which, and the definitive terms upon which, it proposes to sell the securities of Union Electric of Missouri referred to in its declaration and application";

It is ordered, That the request of The North American Company for postponement of the hearing previously continued to February 20, 1942, subject to the call of the Trial Examiner, be and hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1530; Filed, February 20, 1942;
11:51 a. m.]

[File No. 59-35]

IN THE MATTER OF NEW YORK WATER SERVICE CORPORATION AND FEDERAL WATER AND GAS CORPORATION, RESPONDENTS

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1942.

The Commission having instituted proceedings with respect to Federal Water and Gas Corporation, a registered holding company, and New York Water Service Corporation, one of its subsidiaries, to determine whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure and what further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and

The Commission having ordered that a hearing in the above entitled proceeding be held on February 25, 1942; and

Respondents herein having requested that the date for hearing be postponed, and it appearing to the Commission that such request should be granted

It is ordered, That the hearing in the above entitled matter be, and the same hereby is, postponed to March 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1531; Filed, February 20, 1942;
11:51 a. m.]

[File No. 31-494]

IN THE MATTER OF MANUFACTURERS TRUST COMPANY

ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1942.

Manufacturers Trust Company, the owner of all of the capital stock of Utility Service Company, a registered holding company, and of more than ten per centum of the voting securities of New England Public Service Company, also a registered holding company, having filed an application for an order extending for a period of one year from February 17, 1942, the exemption granted it pursuant to Section 3 (a) (4) of the Public Utility Holding Company Act of 1935 by our orders in the above styled and numbered cause dated April 20, 1939 and May 17, 1941, with respect to its indirect ownership of the voting securities of The Marion-Reserve Power Company, Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company, each a subsidiary of Utility Service Company, and the Commission having taken said application under advisement;

It is hereby ordered, That pending the further consideration of said application and the determination of the matters therein contained that Manufacturers Trust Company be and it is hereby exempted from all of the provisions of said Act applicable to a holding company with respect to its direct and indirect

ownership of the voting securities of Utility Service Company, The Marion-Reserve Power Company, Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company for a period of fifteen days from the date hereof;

It is further ordered, That all provisions contained in our order of May 17, 1941 in the above styled and numbered cause except those contained in the fourth paragraph of said order remain in full force and effect until further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1532; Filed, February 20, 1942;
11:51 a. m.]

[File No. 1-1426]

IN THE MATTER OF THE UNION METAL MANUFACTURING COMPANY, COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of February, A. D. 1942.

The Union Metal Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Cleveland Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on March 2, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1533; Filed, February 20, 1942;
11:51 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES
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1934

VOLUME 7 NUMBER 37

Washington, Saturday, February 21, 1942

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1305—ADMINISTRATION

ORDER FOR REPRINTING OF PRICE SCHEDULES IN THE FEDERAL REGISTER

§ 1305.1 Section 206 of the Emergency Price Control Act of 1942 provides that any price schedule establishing a maximum price or maximum prices which (a) was issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply prior to the date upon which the Price Administrator took office under the Act and (b) is consistent with the standards contained in section 2 of the Act and the limitations contained in section 3, shall have the same effect as if issued under section 2 of the Act and shall have such effect from the date upon which the Price Administrator took office until superseded by action taken pursuant to section 2 of the Act. Section 206 further provides that all price schedules which are to be effective in this manner shall be reprinted in the FEDERAL REGISTER within 10 days after the date upon which the Price Administrator takes office.

The Price Administrator took office on February 11, 1942. Prior to February 11 the price schedules listed below, which had been previously issued, were examined, and where necessary amended, so as to conform with sections 2 and 3 of the Act. These schedules are consistent with such standards and limitations. Consequently, on and after February 11, 1942, violations of such schedules are subject to the criminal and civil penalties of the Act, and such schedules will be administered in accordance with the provisions of the Act.

Therefore, it is hereby ordered that, in accordance with the provisions of section 206 of the Act, the following price schedules shall be reprinted in the FEDERAL REGISTER on or before February 22, 1942. (Pub. 421, 77th Cong., 2d sess.)

Issued this 17th day of February, 1942.

LEON HENDERSON,
Price Administrator.

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PART 1301—MACHINE TOOLS

REVISED PRICE SCHEDULE NO. 1—SECOND-HAND MACHINE TOOLS

[Issued by the Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply, and the Office of Price Administration]

Whereas the Office of Price Administration is charged with functions related to the maintenance of price stability and the prevention of undue price rises and price dislocations; and

Whereas in the second-hand machine tool trade, prices have risen in such fashion and to such extent since May, 1940, as compared with other basic commodities, and in particular as compared with new machine tools, as to result in price instability and dislocations injurious to the national defense; and

Whereas such price increases are not justified but represent, on the part of a few, the result of speculative activity, and withholding of sales and offers to sell in the prospect of further unwarranted price increases, amounting to profiteering and hoarding; and

Whereas the absence of any maximum price standards makes it difficult and in some cases impossible for the trade voluntarily to cooperate with the Government in maintaining price stability and in preventing excessive and speculative price increases; and

Whereas the establishment of such standards by the Government is necessary to facilitate such cooperation, and to prevent the kind of price policy which leads to a weakening of the defense effort through disastrous inflation; undue burdens upon the Government, economic dislocations, price spiraling, and profiteering, and the establishment of such standards is otherwise necessary in the public interest and in the interest of national defense; and

Whereas, on the basis of information secured by independent investigation by this Office and by the Office of Production Management and information furnished through the cooperation of the trade, I find that the maximum prices set forth in Appendix A, incorporated herein as § 1301.7, constitute reasonable limitations on prices for second-hand machine tools.

Now, therefore, in order to facilitate cooperation with the Government in maintaining price stability and in preventing excessive and speculative price increases injurious to the defense program and to the public interest and welfare, it is directed that:

§ 1301.1 *Maximum prices for second-hand machine tools.* On and after March 1, 1941, prices for second-hand machine tools, exclusive of extras, shall not exceed the prices set forth in Appendix A, incorporated herein as § 1301.7 of Price Schedule No. 1. No person shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy, or accept delivery of second-hand machine tools at prices higher than those set forth

in § 1301.7, Appendix A. Lower prices may, however, be charged, demanded, paid, or offered. The price limitations set forth in § 1301.7, Appendix A, shall not be evaded by additional or extra charges for repair or reconditioning, commissions, or otherwise.*

[§ 1301.1 as amended, September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

*§§ 1301.1 to 1301.7, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1301.2 *Records and reports.* Each dealer in second-hand machine tools shall file with the Office of Price Administration a report on each floor-type second-hand machine tool in his stock or purchased through him as agent, and a report on each second-hand machine tool sold or otherwise disposed of, by him or through him as agent.

(a) All reports on second-hand machine tools must be made on Form 100:1, copies of which may be had upon request to this Office. Form 100:1 may be reproduced by the dealer, or printed on the reverse side of regular stock sheets, provided that no change is made in the style and content of the report and that the report is on 8½ by 11 inch paper.

(b) Dealers shall file reports, not later than March 25, 1941, for each second-hand machine tool in stock as of March 15, 1941. A report for each second-hand machine tool added to stock after March 15, 1941, shall be filed not more than one week after the machine tool is purchased or otherwise acquired. *Failure to object to an offering price as disclosed by a report does not constitute approval of the price by this Office.*

(c) Reports for each second-hand machine tool sold or otherwise disposed of by or through a dealer after March 15, 1941, shall be filed by the dealer within one week after the transaction. Every report of sale or other disposition shall state the name and address of the purchaser. This information need be noted under item 17, Remarks, on only one of the sales reports. Requests for copies of invoices may be made by this Office at any time.

(d) When a second-hand machine tool is sold or otherwise disposed of within one week after acquisition and before the report of inventory or addition has been filed, such report of inventory or addition shall not be required. In such case, however, the report of sale or other disposition shall note that no previous report on the machine tool has been filed.

(e) For the purpose of reporting sales, the receipt of an order shall be reported as a sale. (If the order is later canceled, this Office is to be advised forthwith and the machine tool reported as added to inventory.)

(f) When a machine tool is disposed of by lease, or otherwise than by sale, a full statement of the transaction shall be made on the report.

(g) Inasmuch as prices, including commissions, may not exceed the ceiling

prices, all offering or sale prices quoted in the report shall include commissions to be charged, or which have been charged, respectively.

(h) Where a dealer has acted as purchasing agent, he shall make a report on the second-hand machine tool as if it had been purchased and immediately sold by him (see paragraph (d) above), and shall report the amount paid by the purchaser, including any commission paid to him as purchasing agent.

(i) Dealers shall assign a separate inventory number to each second-hand machine tool handled by them and shall use this number in making reports hereunder. If a machine tool is held in joint ownership, the inventory report shall be made by the dealer who has possession of the machine tool, or if none of the owners has possession of it, by the dealer in whose name the machine tool was purchased. When the machine tool is sold, the dealer in whose name the sale is made shall report the sale, referring to the inventory number previously assigned to the machine tool.

(j) All reports shall be filed in duplicate, and signed by the dealer or by an officer of the dealer.

(k) Complete records shall be preserved by dealers on all second-hand machine tools purchased, sold, or otherwise handled or dealt in after March 15, 1941.

(l) Subject to the provisions of § 1301.5 below, all information filed or received pursuant to Price Schedule No. 1 shall be treated as confidential, except that it may be transmitted to any other agency or department of the Government.

(m) Extras may be defined as supplementary equipment furnished by the manufacturer at an added cost. Second-hand extras are subject to the same maximum price percentage that is applicable to the basic second-hand machine tool to which the extras are added. All extras must be separately listed as required in Form 100-1.*

[§ 1301.2 as amended September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

§ 1301.3 *Definitions.* When used in Price Schedule No. 1, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity;

(b) "Dealer" means a person in the business of buying and selling second-hand machine tools as a principal or in the business of buying or selling such tools as an agent or broker;

(c) "Machine tool" includes all machines for the cutting, abrading, shaping, forming, and joining of metals;

(d) "Second-hand" refers to machine tools which have previously been used or purchased for use;

(e) "Stock", referring to second-hand machine tools, includes tools which are owned by the dealer in question, or on which he has obtained an option, or for which he has secured a selling agency.

(f) "Rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as

such (a rebuilt machine is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new); (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; and (3) carries a binding guaranty of satisfactory performance for a period of not less than 30 days from date of shipment.*

[Paragraph (f) added by amendment September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

§ 1301.4 *Modification of Price Schedule No. 1.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 1 may apply to the Office of Price Administration for approval of any modification thereof.*

§ 1301.5 *Enforcement of Price Schedule No. 1.* In the event of refusal or failure to abide by the price limitations or other provisions contained in Price Schedule No. 1, this Office will make every effort to assure (a) that the Congress and the public are fully informed of the instances of such profiteering or noncooperation; and (b) that the powers of the Government are fully exerted in order to protect the public interest in the maintenance of fair prices. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or of speculation, manipulation of prices or hoarding are urged to communicate with the Office of Price Administration giving as complete description of the particular machine tools as may be practicable.*

§ 1301.6 *Effective date of Price Schedule No. 1.* This schedule (§§ 1301.1 to 1301.7, inclusive) shall become effective February 17, 1941, except that § 1301.1 shall become effective March 1, 1941.*

§ 1301.7 *Appendix A: Maximum prices for second-hand machine tools.*

[Exclusive of extras]

Classification by—		Maximum price in terms of percentage of the March 1, 1941 price of equivalent new machine tool
Date of manufacture	Condition	
1. Jan. 1, 1936, and after.	(a) Rebuilt and guaranteed.	55
	(b) Other.	75
2. Jan. 1, 1936, to Dec. 31, 1935.	(a) Rebuilt and guaranteed.	60
	(b) Other.	70
3. Jan. 1, 1936, to Dec. 31, 1929.	(a) Rebuilt and guaranteed.	60
	(b) Other.	70
4. Before Jan. 1, 1920	(a) Rebuilt and guaranteed.	70
	(b) Other.	80

Explanatory Information

1. The date of manufacture can be determined from the serial number

stamped on the machine by the manufacturer.

2. As used above, the term "rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as such (a rebuilt machine is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new); (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; and (3) carries a binding guaranty of satisfactory performance for a period of not less than 30 days from date of shipment.

3. Machine tools formerly equipped with a cone drive are often now manufactured with a geared head. In such cases determine the price of an equivalent new machine tool by deducting 20 percent from the March 1, 1941 price of the new geared-head machine tool.*

[§ 1301.7 as amended September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

[Appendices B and C were revoked by amendment September 24, 1941]

[Supplement No. 1 issued May 7, 1941, directed that the maximum prices of second-hand machine tools are to be computed in terms of percentages of the prices of equivalent new machine tools as of March 1, 1941, and shall not be computed with reference to current prices of new machine tools]

Issued 17th day of February 1941.¹

LEON HENDERSON,
Administrator.

PART 1302—ALUMINUM

REVISED PRICE SCHEDULE NO. 2—ALUMINUM SCRAP AND SECONDARY ALUMINUM INCOIT

[Issued by Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply and the Office of Price Administration]

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined, after full investigation and after consultation with representatives of the trade and with the Office of Production Management, (a) that the total supply of primary and secondary aluminum is grossly inadequate to satisfy combined defense and civilian demands, (b) that almost the entire supply of primary aluminum and an increasing proportion of the supply of secondary aluminum is being required for defense purposes, (c) that resulting competition for secondary aluminum has exerted highly inflationary pressure upon prices of aluminum scrap and secondary alu-

¹Issued: 6 F.R. 1021; published as Title 32, Ch. VI, sections 1 to 7, inclusive, and Appendices A, B, and C. Amended: 6 F.R. 1478, 1871; supplement No. 1, 6 F.R. 2335. Renumbered, codified, and amended: 6 F.R. 4885.

minum ingot and has driven such prices to unreasonable levels wholly disproportionate to the price at which primary aluminum has been voluntarily stabilized, (d) that such uncontrolled price increases have led to hoarding, speculation, profiteering and price instability injurious to national defense and have necessitated establishment of maximum prices for aluminum scrap and secondary aluminum ingot, (e) that, in order to bring such maximum prices into proper relationship to the recently reduced price of primary aluminum and into proper relationship to each other, it is essential that the maximum prices heretofore established be revised, and (f) that such maximum prices as so revised and set forth herein constitute fair and reasonable limitations on prices of aluminum scrap and secondary aluminum ingot and that their establishment is in the interest of national defense and welfare.

[Preamble as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1302.1 *Maximum prices of aluminum scrap and secondary aluminum ingot.* On and after November 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer aluminum scrap or secondary aluminum ingot, and no person shall buy, offer to buy, or accept delivery of aluminum scrap or secondary aluminum ingot, at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1302.10 and 1302.11*

[§ 1302.1 as amended, October 31, 1941, effective November 1, 1941; 6 F.R. 5568]
* §§ 1302.1 to 1302.11, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1302.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1302.10 and 1302.11, respectively) hereof may be charged, demanded, paid or offered.*

§ 1302.3 [Revoked]
[§ 1302.3 revoked by amendment January 9, 1942, effective January 13, 1942; 7 F.R. 224]

§ 1302.4 *Evasion.* The price limitations set forth in Price Schedule No. 2 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of aluminum scrap or secondary aluminum ingot, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

[§ 1302.4 as amended, October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.5 *Records and reports.* (a) Every person making purchases or sales of aluminum scrap or secondary aluminum ingot shall keep for inspection by

the Office of Price Administration for a period of not less than one year, complete and accurate records of:

- (1) Each such purchase or sale, showing the person from or to whom each such purchase or sale was made, the date thereof, the price paid or received, other terms of sale and shipment, and the quantity in pounds and the quality by grades of aluminum scrap or secondary aluminum ingot involved; and
- (2) At the close of each month, the amount in pounds of each grade of aluminum scrap and secondary aluminum ingot (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Persons affected by Price Schedule No. 2 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[§ 1302.5 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 2, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 2, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 2, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 2 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 2. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of aluminum scrap or secondary aluminum ingot, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[§ 1302.6 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.7 *Modification of Price Schedule No. 2.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 2 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the

Office of Price Administration, complied with Price Schedule No. 2.*

[§ 1302.7 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.8 *Definitions.* When used in Price Schedule No. 2, the term:

- (a) "Person" means an individual, partnership, association, corporation or other business entity;
- (b) "Aluminum scrap" means the grades of aluminum scrap set forth in § 1302.10, Appendix A, hereof;
- (c) "Secondary aluminum ingot" means the grades of secondary aluminum ingot set forth in § 1302.11, Appendix B, hereof.*

[§ 1302.8 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.9 *Effective date.*
[This Schedule (§§ 1 to 12, inclusive, and Appendices A and B) shall become effective March 24, 1941]

This Schedule (§§ 1302.1 to 1302.11, inclusive), as amended, shall become effective November 1, 1941. Shipments of aluminum scrap and secondary aluminum ingot made prior thereto shall be governed by the terms of Price Schedule No. 2 which were in effect on the date of shipment.*

§ 1302.10 *Appendix A: Maximum prices for aluminum scrap.*

[F. o. b. point of shipment]

	Column I Maximum price (cents per pound) in lots less than 1,000 pounds	Column II Maximum price (cents per pound) in lots of 1,000 to 20,000 pounds (if shipped by truck) or 1,000 to minimum carload (if shipped by rail)	Column III Maximum price (cents per pound) in lots of 20,000 pounds or more (if shipped by truck) or minimum carload (if shipped by rail)
Grade of aluminum scrap			
Plant scrap:			
Segregated 2S:			
Clips or other 2S solids	10	11	11½
Mixed clips or other mixed solids	8½	9½	10
Segregated borings and turnings	7½	8½	9
Mixed borings and turnings	6½	7½	8
Obsolete scrap:			
Pure cable	10	11	11½
Old sheet and utensils	9½	10½	11
Old castings and forgings	10	10½	11
Pistons free of struts	10	10½	11
Pistons with struts	8	8½	9

NOTE 1. *Segregated solid plant scrap other than 2S.* Maximum prices are not established for solid plant scrap other than 2S which is segregated, identified, handled, sold, and delivered in accordance with Supplementary Order M-1-d (7 F.R. 160) or other instructions and regulations issued by the Director of Priorities, Office of Production Management; scrap of this description is therefore not subject to the Price Schedule. "Plant

Scrap" means scrap which is generated in the course of fabrication or manufacture and includes new material or parts rejected or discarded because defective, damaged in processing, or otherwise unfit for use. The terms "Solids" and "Solid Plant Scrap" mean plant scrap generated by shearing, clipping, cutting, blanking, or similar process, also defective or rejected wrought aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry scrap. Scrap shall not be deemed "Segregated", whether in the form of solids or in the form of borings, turnings or other machinings, unless it consists of one alloy only and is so identified and handled as to be accepted for reprocessing into aluminum of the original alloy specifications without the necessity for other than routine examination by the processor.

NOTE 2. *Low-grade or contaminated scrap.* Maximum prices may be charged and paid only for scrap of the respective grades which meets generally accepted maximum standards of the trade. Low-grade scrap, scrap which is not clean and dry or which is otherwise contaminated, and scrap which for any other reason fails to meet such maximum standards, must be sold at prices proportionately below the established maximum prices. It is particularly important that proper deduction be made for oil, water and other forms of contamination contained in borings, turnings and similar machinings.

NOTE 3. *Quantity differentials.* The requisite quantities for which premiums are provided in Columns II and III, above, may consist of various grades of aluminum scrap, but other metals may not be included for the purpose of making up such quantities. It will be considered that the requisite quantity has been sold and shipped, in case delivery is made by truck, if such quantity is sold in one lot and delivery is made within a period of seventy-two consecutive hours. A minimum carload is the minimum quantity required to obtain the railroad carload rate from the point of shipment to the destination.

NOTE 4. *Aluminum foil.* Aluminum foil and light gauge aluminum sheet which does not exceed 0.006 of an inch in thickness is not considered within this Price Schedule.

[§ 1302.10 as amended January 9, 1942, effective January 13, 1942; 7 F.R. 224]

§ 1302.11 *Appendix B: Maximum prices for secondary aluminum ingot.*

[F. o. b. Point of Shipment]

Grade of secondary aluminum ingot:	Maximum price (cents per pound in quantities of 30,000 pounds or more)
98 percent pure aluminum ingot.....	15
Silicon alloys.....	15
Piston alloys.....	14½
No. 12 aluminum.....	14½
Deoxidizing aluminum, notch-bar, granulated, or shot.....	13½
(2¢ extra for Special Shapes)	

Quantity Differentials

The following premiums may be charged, in addition to the maximum prices set forth above, where sales are in the quantities specified:

Quantity:	Premium (cents per pound)
10,000 to 30,000 pounds.....	¼
1,000 to 10,000 pounds.....	½
Less than 1,000 pounds.....	1

[§ 1302.11 as amended January 9, 1942, effective January 13, 1942; 7 F.R. 224]

Issued this 24th day of March 1941.*

LEON HENDERSON,
Administrator.

PART 1303—ZINC

REVISED PRICE SCHEDULE NO. 3—ZINC SCRAP MATERIALS AND SECONDARY SLAB ZINC

[Issued by the Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply, and the Office of Price Administration]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

The supply of both primary and secondary zinc is insufficient to satisfy the total defense and essential civilian demands. An increase in the price of primary slab zinc has been made in order to maintain and expand supply. It is necessary to revise the prices of zinc scrap materials and secondary slab zinc in order to maintain their proper relationship to the prices of primary slab zinc. After investigation and consideration it has been determined that the maximum prices set forth herein are fair and reasonable.

[Preamble as amended, October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1303.1 *Maximum prices for zinc scrap materials.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer zinc scrap materials, and no person shall buy, offer to buy, or accept delivery of zinc scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.9.*

[§ 1303.1 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

*§§ 1303.1 to 1303.10, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1303.2 *Maximum prices for secondary slab zinc.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary slab zinc, and no person shall buy, offer to buy, or accept delivery of secondary slab zinc, at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1303.10.*

[§ 1303.2 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

*Issued: 6 F.R. 1593. Published as Title 32, Ch. VI, subchapter B, sections 1 to 12 inclusive, and Appendixes A and B.

Amended: 6 F.R. 2259, 2335. Renumbered, codified and amended: 6 F.R. 2682. Amended: 6 F.R. 4076, 5568; 7 F.R. 224.

§ 1303.3 *Less than maximum prices.* Lower prices than those set forth in §§ 1303.9 and 1303.10, Appendixes A and B of Price Schedule No. 3 may be charged, demanded, paid or offered.*

§ 1303.4 *Evasion.* The price limitations set forth in Price Schedule No. 3 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of zinc scrap materials, whether or not commingled with any foreign materials, or of secondary slab zinc, or in connection with a purchase, sale, delivery, or transfer of any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

[§ 1303.4 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.5 *Records and reports.* Every person making purchases or sales of zinc scrap materials or secondary slab zinc after October 17, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) Each purchase or sale of zinc scrap materials, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received in a single shipment or shipments, as defined in § 1303.9, Appendix A, hereof, or otherwise;

(b) Each purchase or sale of secondary slab zinc, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received, in carload or less than carload lots; and

(c) The amount in pounds or tons of zinc scrap materials and, separately, the amount in pounds or tons of secondary slab zinc (1) on hand, and (2) on order, as of the close of each month.*

[§ 1303.5 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 3, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 3, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 3, (c) that full

advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 3 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 3. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of zinc scrap materials and secondary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[§ 1303.6 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.7 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 3 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1303.8 *Definitions.* When used in Price Schedule No. 3 the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Producer" means any person who produces slab zinc;

(c) "Secondary slab zinc" means slab zinc more than 50% of the zinc content of which shall be obtained from scrap material by distillation, remelting, electrolysis, or any other method; and

(d) "Zinc scrap materials" means the kinds and grades of zinc scrap materials set forth in § 1303.9, Appendix A, of Price Schedule No. 3.*

[§ 1303.8 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 700]

§ 1303.9 *Appendix A: Maximum prices for zinc scrap materials—(a) Maximum prices.*

Grade of zinc scrap material	Maximum price (per pound, f. o. b. point of shipment) (cents)
New Zinc Clippings and Trimmings.....	7.25
Engravers' and Lithographers' Plates.....	7.25
Old Zinc Scrap.....	5.75
Unsweetened Zinc Dross.....	5.80
Die Cast Slab.....	5.80
New Die Cast Scrap.....	4.95
Radiator Grilles, old and new.....	4.95
Old Die Cast Scrap.....	4.50

The maximum prices established herein are the maximum prices to be paid for the zinc scrap materials enumerated above after the free iron and other foreign materials are removed.

(b) *Quantity premiums.* To the maximum prices set forth above, a premium of one-half (½¢) cent per pound may be added:

(1) On single shipments of 10,000 pounds or more of any one of the following grades, or of combinations thereof:

New Zinc Clippings and Trimmings
Engravers' and Lithographers' Plates
Old Zinc Scrap; and

(2) On single shipments of 20,000 pounds or more of any one of the following grades, or of combinations thereof:

New Die Cast Scrap
Radiator Grilles, old and new
Old Die Cast Scrap

For the purposes of Price Schedule No. 3 the term "single shipment" means all deliveries made to a buyer within a period of 48 consecutive hours, excluding Sundays and Legal Holidays.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Zinc scrap may, however, be sold, offered for sale, delivered or transferred at a price delivered buyer's customary receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 3 in all price quotations (1) the transportation charge must be shown as a separate item, (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 3 and (3) when delivery is made in the seller's conveyance, the transportation charge shall not exceed the lowest available commercial transportation rate for effecting the delivery.*

[§ 1303.9 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.10 *Appendix B: Maximum prices for secondary slab zinc—(a) Base prices.*

Grade	Base price, per pound (cents)
Prime Western and poorer grades.....	8.25
Selected.....	8.35
Brass Special.....	8.50
Intermediate and higher grades.....	8.75

(b) *Sold or shipped, delivered, or carried away in carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

Grade	Maximum price, per pound (Delivered, buyer's receiving point)
Prime Western and poorer grade.	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Selected.....	Base price plus carload freight from E. St. Louis to buyer's receiving point.
Brass Special.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Intermediate and higher grades.	Base Price plus carload freight from E. St. Louis to buyer's receiving point.

The minimum quantity making up a carload lot for the purpose of Price Schedule No. 3 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(c) *Sold and shipped, delivered or carried away in less than carload lots.* The term "base price" referred to in this section means the price listed in para-

graph (a) of this section for the respective grade of slab zinc.

(1) *Sales of secondary slab zinc by the producer of the zinc sold.*

For sales in lots of	Maximum price per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload.	Base price plus .15¢ plus carload freight from E. St. Louis to point of shipment.
10,000 lbs. and less than 20,000 lbs.	Base price plus .25¢ plus carload freight from E. St. Louis to point of shipment.
2,000 lbs. and less than 10,000 lbs.	Base price plus .40¢ plus carload freight from E. St. Louis to point of shipment.
Less than 2,000 lbs.----	Base price plus .50¢ plus carload freight from E. St. Louis to point of shipment.

(2) *Sales by all persons except producers.*

For sales in lots of	Maximum price per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload.	Base price plus .65¢ plus carload freight from E. St. Louis to point of shipment.
10,000 lbs. and less than 20,000 lbs.	Base price plus .75¢ plus carload freight from E. St. Louis to point of shipment.
2,000 lbs. and less than 10,000 lbs.	Base price plus 1.00¢ plus carload freight from E. St. Louis to point of shipment.
Less than 2,000 lbs.----	Base price plus 1.50¢ plus carload freight from E. St. Louis to point of shipment.

(d) *Specifications.* The grades of Secondary Slab Zinc specifically referred to above shall conform to the following chemical requirements:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Aluminum	Total not over
Intermediate.....	0.20	0.03	0.60	None	0.70
Brass Special.....	0.60	0.03	0.60	None	1.00
Selected.....	0.80	0.04	0.75	None	1.25
Prime Western.....	1.60	0.08	-----	-----	-----

(e) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Secondary slab zinc may, however, be sold, offered for sale, delivered, or transferred at prices delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 3, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 3.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which

would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 3, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

[§ 1303.10 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 700]

Issued this 31st day of March 1941.
[Effective March 31, 1941.]

LEON HENDERSON,
Administrator.

PART 1304—IRON AND STEEL SCRAP
REVISED PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP²

[Issued by the Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply and the Office of Price Administration]

§ 1304.1 *Maximum prices on sales of iron and steel scrap other than railroad scrap.* On and after April 3, 1941, regardless of the terms of any contract of sale or purchase or other commitment theretofore entered into, no person shall sell, offer to sell, deliver, or transfer iron and steel scrap other than railroad scrap, to the consumer of such scrap or to his broker, at prices higher than the prices set forth in Appendices A, C, D and E, incorporated herein as §§ 1304.13, 1304.15, 1304.16 and 1304.17, and no consumer or his broker shall buy, offer to buy, or accept delivery of, iron and steel scrap other than railroad scrap at prices higher than the prices set forth in Appendices A, C, D and E (§§ 1304.13, 1304.15, 1304.16 and 1304.17) except as provided in §§ 1304.6 and 1304.9 hereof.*

*§§ 1304.1 to 1304.17, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1304.2 *Maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, regardless of the terms of any contract of sale or purchase, or other commitment theretofore entered into, no person shall sell, offer to sell, deliver or transfer iron and steel railroad scrap to the consumer of such scrap or to his broker, at prices higher than the prices set forth in Appendices B, D and E, incorporated herein as §§ 1304.14, 1304.16 and 1304.17, and no consumer or his broker shall buy, offer to buy, or accept delivery of iron and steel railroad

scrap at prices higher than the prices established in Appendix B, except as provided in §§ 1304.6 and 1304.9 hereof.*

§ 1304.3 *Lower than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D and E (§§ 1304.13, 1304.14, 1304.15, 1304.16 and 1304.17) may, however, be charged, demanded, paid or offered.*

§ 1304.4 *Method of securing information governing maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, no sale of any grade of iron and steel railroad scrap, for which a maximum price is not listed in § 1304.14, Appendix B, shall be made until after the Office of Price Administration has established a maximum price therefor, and until opportunity has been given any prospective buyer of such scrap to learn the maximum price applicable to such sale. The prospective buyer may ascertain such maximum price by addressing an inquiry to the Office of Price Administration, Washington, D. C. The railroad maker thereof or other person shall file with the Office of Price Administration the information required to determine with § 1304.14, Appendix B, the maximum price thereby established for such grade.*

§ 1304.5 *Geographical application.* The provisions of Price Schedule No. 4 shall apply only to sales, offers to sell, deliveries, or transfers of iron and steel scrap moving within, into or out of one of the 48 States of the United States or the District of Columbia.*

§ 1304.6 *Commissions.* No commission shall be payable hereunder, except by a consumer to a broker for brokerage services rendered to the consumer. In the event that a consumer shall employ a broker to purchase iron and steel scrap, such consumer may pay such broker a commission not exceeding 50 cents per gross ton. No commission shall be payable unless (a) the broker guarantees the quality and delivery of an agreed tonnage of scrap; (b) the scrap is purchased by the consumer at a price not higher than the maximum applicable herein; (c) the broker sells the scrap to the consumer at the same price at which he purchased it; (d) the broker does not split or divide the commission, in whole or in part, with the seller or sellers of the scrap, with another broker or sub-broker, or with the consumer. No commission shall be payable to a person for scrap which he prepares.*

[§§ 1304.5 and 1304.6 as amended February 2, effective February 2, 1942; 7 F.R. 701.]

§ 1304.7 *Evasion.* The price limitations set forth in Price Schedule No. 4 shall not be evaded whether by direct or indirect methods, in connection with the purchase, sale, delivery or transfer of iron and steel scrap, alone or in conjunction with any other material, or by way of any commission, cross-billing, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by upgrading, or otherwise.*

§ 1304.8 *Record-keeping and reporting requirements.* Every dealer in, and every maker, smelter, processor, broker, or consumer of, and every other person purchasing or selling iron and steel scrap shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) As of the close of each month, the quantity in pounds and quality by grades of iron and steel scrap, (1) on hand and (2) on order;

(b) In the case of transactions for which maximum prices are established in Price Schedule No. 4, each such purchase or sale, the date thereof, the name and address of the buyer or the seller, the shipping point price, the quantity in pounds and quality in grades, as defined in the applicable appendix, the mode or modes of transportation used from shipping point to point of delivery, the transportation charges involved, the bills of lading and other documents evidencing the movement from shipping point to point of delivery, the delivered price and the commission, if any, involved in the transaction. The record shall also contain such further requirements as are set forth in the applicable appendix (see especially § 1304.15 (b) (2) (iii)).

(c) In the case of transactions (including purchases or sales of used material which is to be made into iron and steel scrap, e. g. a box car, locomotive, graveyard automobile or the like) for which no maximum prices are established hereunder, each such purchase or sale, the date thereof, name and address of the buyer or seller, the type of material involved, the purchase or sales price, and the terms of such price (i. e. whether the material is purchased or sold as is, where is, or delivered to the dealer's yard, or otherwise).

(d) Persons affected by Price Schedule No. 4 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1304.8 as amended February 9, 1942, effective February 9, 1942; 7 F.R. 923]

§ 1304.9 *Modification of Price Schedule No. 4.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 4 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 4 and all other Schedules issued by the Office of Price Administration. Such applications must be submitted under oath and in a separate document captioned: "Application for Relief from Price Schedule No. 4—Iron and Steel Scrap," and shall not be contained in any filing of information, or prices required to be filed under Price Schedule No. 4.*

§ 1304.10 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other

¹Issued: 6 F.R. 1871. Published as Title 82, Ch. VI, Subchapter B, Sections 1 to 10, inclusive, and Appendices A and B. Renumbered, codified and amended: 6 F.R. 1334. Amended: 7 F.R. 700.

²Price Schedule No. 4 revised as of December 24, 1941 and subsequently amended.

provisions of Price Schedule No. 4, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 4, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 4; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 4, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 4. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of iron and steel scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1304.11 *Definitions.* (a) "Person" means an individual, corporation, association, partnership, trustee in bankruptcy, receiver or other entity.

(b) "Iron and steel scrap" means all kinds and grades of imported and domestic iron and steel scrap including iron and steel railroad scrap.

(c) "Iron and steel scrap other than railroad scrap" means the kinds and grades of imported and domestic iron and steel scrap referred to in Appendices A, C, D and E (§§ 1304.13, 1304.15, 1304.16 and 1304.17)

(d) "Iron and steel railroad scrap" means iron and steel scrap having a railroad origin and includes the kinds and grades of imported and domestic iron and steel scrap referred to in Appendices B, D and E (§§ 1304.14, 1304.16 and 1304.17)

(e) "Railroad" means steam and electric railroads, street, suburban, and interurban electric railways and local trolleys, and mines, logging roads and similar sources of iron and steel scrap.

(f) "Consumer" means a purchaser, for its own consumption, of iron or steel scrap, i. e. smelter, foundry, steel mill, etc.

(g) "Imported scrap" means iron and steel scrap which does not originate in and is not shipped from one of the 48 States or the District of Columbia.*

§ 1304.12 *Effective date.* Price Schedule No. 4 shall become effective April 3, 1941, except as otherwise specifically provided herein.*

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* (a) Basing point¹ prices from which shipping point prices and consumers' delivered prices are to be computed.

[All the prices given below are per gross ton]

	Pitts- burgh, Pa. ²	Brack- enridge, Pa.	But- ler, Pa.	Mones- sen, Pa.	Mid- land, Pa.	Johns- town, Pa.	Sharon, Pa.	Canton, Ohio
BASIC OPEN HEARTH GRADES³								
1. No. 1 heavy melting steel.....								
2. No. 1 hydraulic compressed black sheet scrap.....	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
3. No. 2 heavy melting steel.....								
4. Dealers' No. 1 bundles.....								
5. Dealers' No. 2 bundles.....								
6. No. 1 busheling.....								
7. Machine shop turnings.....	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
BLAST FURNACE GRADES⁴								
8. Mixed borings & turnings.....								
9. Shovelling turnings.....	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
10. No. 2 bushelling.....								
11. Cast iron borings.....								
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRIES GRADES^{5, 6, 7}								
(For electric furnace, acid open hearth & foundry use only)								
12. Low phos. billet, bloom & forge crops.....	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
13. Low phos. bar crops & smaller.....	22.50	22.50	22.50	22.50	22.50	22.50	22.50	22.50
14. Low phos. punchings & plate scrap.....	22.50	22.50	22.50	22.50	22.50	22.50	22.50	22.50
15. Heavy cut structural & plate scrap, 3 ft. & & under.....	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
16. Heavy cut structural & plate scrap, 2 ft. & & under.....	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50
17. Heavy cut structural & plate scrap, 1 ft. & & under.....	22.00	22.00	22.00	22.00	22.00	22.00	22.00	22.00
18. Cut automotive steel scrap 3 ft. & under.....	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
19. Cut automotive steel scrap 2 ft. & under.....	20.50	20.50	20.50	20.50	20.50	20.50	20.50	20.50
20. Cut automotive steel scrap 1 ft. & under.....	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
21. Alloy free low phos. & sulphur turnings.....	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00
22. First cut heavy axle & forge turnings.....	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50
23. Electric furnace bundles.....	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
	Steub- enville, Ohio	Youngs- town, Ohio	War- ren, Ohio	Wet- ton, W. Va.	Clevo- land, Ohio	Cincin- nati, Ohio ⁸	Mid- dle- town, Ohio	Port- smouth, Ohio
BASIC OPEN HEARTH GRADES³								
1. No. 1 heavy melting steel.....								
2. No. 1 hydraulic compressed black sheet scrap.....	\$20.00	\$20.00	\$20.00	\$20.00	\$19.50	\$19.50	\$19.50	\$19.50
3. No. 2 heavy melting steel.....								
4. Dealers' No. 1 bundles.....								
5. Dealers' No. 2 bundles.....								
6. No. 1 busheling.....								
7. Machine shop turnings.....	16.00	16.00	16.00	16.00	15.50	15.50	15.50	15.50
BLAST FURNACE GRADES⁴								
8. Mixed borings & turnings.....								
9. Shovelling turnings.....	16.00	16.00	16.00	16.00	15.50	15.50	15.50	15.50
10. No. 2 bushelling.....								
11. Cast iron borings.....								
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRIES GRADES^{5, 6, 7}								
(For electric furnace, acid open hearth & foundry use only)								
12. Low phos. billet, bloom & forge crops.....	25.00	25.00	25.00	25.00	24.50	24.50	24.50	24.50
13. Low phos. bar crops & smaller.....	22.50	22.50	22.50	22.50	22.00	22.00	22.00	22.00
14. Low phos. punchings & plate scrap.....	22.50	22.50	22.50	22.50	22.00	22.00	22.00	22.00
15. Heavy cut structural & plate scrap, 3 ft. & & under.....	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50
16. Heavy cut structural & plate scrap, 2 ft. & & under.....	21.50	21.50	21.50	21.50	21.00	21.00	21.00	21.00
17. Heavy cut structural & plate scrap, 1 ft. & & under.....	22.00	22.00	22.00	22.00	21.50	21.50	21.50	21.50
18. Cut automotive steel scrap 3 ft. & under.....	20.00	20.00	20.00	20.00	19.50	19.50	19.50	19.50
19. Cut automotive steel scrap 2 ft. & under.....	20.50	20.50	20.50	20.50	20.00	20.00	20.00	20.00
20. Cut automotive steel scrap 1 ft. & under.....	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50
21. Alloy free low phos. & sulphur turnings.....	18.00	18.00	18.00	18.00	17.50	17.50	17.50	17.50
22. First cut heavy axle & forge turnings.....	19.50	19.50	19.50	19.50	19.00	19.00	19.00	19.00
23. Electric furnace bundles.....	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50

See footnotes at end of table.

Ashland, Ky.	Buffalo, N. Y.	Claymont, Del.	Cottontown, Pa.	Harrisburg, Pa.	Phoenixville, Pa.	Spartanburg, S. C.	Atlanta, Ga.
BASIC OPEN HEARTH GRADES ¹							
1. No. 1 heavy melting steel.....							
2. No. 1 hydraulic compressed black sheet steel.....							
3. No. 2 heavy melting steel.....	\$10.50	\$18.75	\$18.75	\$18.75	\$18.75	\$18.75	\$13.50
4. Dealers' No. 1 bundles.....							
5. Dealers' No. 2 bundles.....							
6. No. 1 busheling.....	15.50	15.25	14.75	14.75	14.75	14.75	
7. Machine shop turnings.....							
BASIC FURNACE GRADES ²							
8. Mixed borings & turnings.....							22.50
9. Shovelling turnings.....							20.50
10. No. 2 busheling.....							20.00
11. Cast iron borings.....							18.50
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES ³							
(For electric furnace, acid open hearth & foundry use only)							
12. Low phos. billet, bloom & forge crops.....	24.50	23.75	23.75	23.75	23.75	23.75	22.50
13. Low phos. bar crops & smaller.....	22.00	21.75	21.25	21.25	21.25	21.25	20.50
14. Low phos. punchings & plate scrap.....	22.00	21.75	21.25	21.25	21.25	21.25	20.00
15. Heavy cut structural & plate scrap, 3 ft. & under.....	20.50	20.25	10.75	10.75	10.75	10.75	18.50
16. Heavy cut structural & plate scrap, 2 ft. & under.....	21.00	20.75	20.25	20.25	20.25	20.25	18.00
17. Heavy cut structural & plate scrap, 1 ft. & under.....	21.50	21.25	20.75	20.75	20.75	20.75	17.50
18. Cut automotive steel scrap 3 ft. & under.....	20.50	20.25	10.75	10.75	10.75	10.75	17.00
19. Cut automotive steel scrap 2 ft. & under.....	20.50	20.25	10.75	10.75	10.75	10.75	16.50
20. Cut automotive steel scrap 1 ft. & under.....	20.50	20.25	10.75	10.75	10.75	10.75	16.00
21. Alloy free low phos. & sulphur turnings.....	17.50	17.25	16.75	16.75	16.75	16.75	15.50
22. First cut heavy axle & forge turnings.....	20.00	19.75	18.25	18.25	18.25	18.25	16.50
23. Electric furnace bundles.....	20.50	20.25	10.75	10.75	10.75	10.75	15.00

Chicago, Ill.	Bethlehem, Pa.	Kokomo, Ind.	Duluth, Minn.	Detroit, Mich.	Toledo, Ohio	Phoenixville, Pa.	St. Louis, Mo.	Portland, Ore.
BASIC OPEN HEARTH GRADES ¹								
1. No. 1 heavy melting steel.....								
2. No. 1 hydraulic compressed black sheet steel.....								
3. No. 2 heavy melting steel.....	\$18.75	\$18.25	\$18.00	\$17.85				
4. Dealers' No. 1 bundles.....								
5. Dealers' No. 2 bundles.....								
6. No. 1 busheling.....	14.75	14.25	14.00	13.85				
7. Machine shop turnings.....								
BASIC FURNACE GRADES ²								
8. Mixed borings & turnings.....								
9. Shovelling turnings.....								
10. No. 2 busheling.....	13.00	13.00	13.00	13.00				
11. Cast iron borings.....								
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES ³								
(For electric furnace, acid open hearth & foundry use only)								
12. Low phos. billet, bloom & forge crops.....	23.75	20.25	20.00	20.00				22.50
13. Low phos. bar crops & smaller.....	21.25	18.75	18.00	18.00				20.50
14. Low phos. punchings & plate scrap.....	21.25	18.75	18.00	18.00				20.00
15. Heavy cut structural & plate scrap, 3 ft. & under.....	10.75	10.25	10.00	10.00				18.50
16. Heavy cut structural & plate scrap, 2 ft. & under.....	20.25	10.75	10.50	10.50				18.00
17. Heavy cut structural & plate scrap, 1 ft. & under.....	20.75	20.25	20.00	20.00				17.50
18. Cut automotive steel scrap 3 ft. & under.....	18.75	18.25	18.00	18.00				17.00
19. Cut automotive steel scrap 2 ft. & under.....	18.75	18.25	18.00	18.00				16.50
20. Cut automotive steel scrap 1 ft. & under.....	18.75	18.25	18.00	18.00				16.00
21. Alloy free low phos. & sulphur turnings.....	18.25	17.75	17.50	17.50				15.50
22. First cut heavy axle & forge turnings.....	18.75	18.25	18.00	18.00				15.00
23. Electric furnace bundles.....	19.75	19.25	19.00	19.00				18.50

See footnotes at end of table.

See footnotes at end of table.

	Ala- bama City, Ala.	Bir- ming- ham, Ala.	Los An- geles, Calif.	Pitts- burg, Calif.	San Fran- cisco, Calif.	Minne- qua, Colo.	Seattle, Wash.	Port- land, Oreg.
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES¹								
(For electric furnace, acid open hearth & foundry use only)								
12. Low phos. billet, bloom & forge crops.....	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00	\$21.50	\$19.50	-----
13. Low phos. bar crops & smaller.....	19.50	19.50	19.50	19.50	19.50	19.00	17.00	\$15.50
14. Low phos. punchings & plate scrap.....	19.50	19.50	19.50	19.50	19.50	19.00	17.00	15.50
15. Heavy cut structural & plate scrap, 3 ft. & under.....	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00
16. Heavy cut structural & plate scrap, 2 ft. & under.....	18.50	18.50	18.50	18.50	18.50	18.00	16.00	14.50
17. Heavy cut structural & plate scrap, 1 ft. & under.....	19.00	19.00	19.00	19.00	19.00	18.50	16.50	15.00
18. Cut automotive steel scrap 3 ft. & under.....	17.00	17.00	17.00	17.00	17.00	16.50	14.50	13.00
19. Cut automotive steel scrap 2 ft. & under.....	17.50	17.50	17.50	17.50	17.50	17.00	15.00	13.50
20. Cut automotive steel scrap 1 ft. & under.....	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00
21. Alloy free low phos. & sulphur turnings.....	15.00	15.00	15.00	15.00	15.00	14.50	12.50	11.00
22. First cut heavy axle & forge trimmings.....	16.50	16.50	16.50	16.50	16.50	16.00	14.00	12.50
23. Electric furnace bundles.....	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00

¹ A Basing Point includes the switching district of the city named.

² The Pittsburgh Basing Point includes the switching districts of Bessemer, Homestead, Duquesne, Munhall and McKeesport, Pa.

³ The Cincinnati Basing Point includes the switching district of Newport, Kentucky.

⁴ The St. Louis Basing Point includes the switching districts of Granite City, East St. Louis and Madison, Illinois.

⁵ The San Francisco Basing Point includes the switching districts of South San Francisco, Niles and Oakland, California.

In no case may special preparation charges be added to the prices listed above. Inferior grades shall continue to be purchased at the differential below the corresponding listed grade price which the consumer paid during the period September 1, 1940 to January 31, 1941. Bundles with less than 50% tin-coated material shall be priced at \$5.00 per gross ton under Basic Open Hearth Grades; bundles with more than 50% tin-coated material shall be priced at \$8.00 below Basic Open Hearth Grades.

Except upon prior approval by the Office of Price Administration, no grade of scrap deemed by buyer or seller or both to be superior to any grade listed above shall be purchased at a premium above the corresponding listed grade with the following exceptions: (a) In the case of cast iron borings, containing no more than 0.5 percent oil content, for chemical use in the manufacture of explosives, the basing point price shall be \$5.00 per gross ton over the price of Item 11. Where cast iron borings are purchased for chemical use other than in the manufacture of explosives, the price shall be \$3.00 per gross ton over the price of Item 11. (b) In the case of ingot iron scrap and any alloyed ferrous scrap, except manganese scrap, purchased by an Electric Furnace or Acid Open Hearth for recovery of alloy content, such grades may be purchased at the differential above the corresponding listed grade which the consumer paid during the period September 1, 1940, to January 31, 1941.

Mixed shipments of Basic Open Hearth or Blast Furnace grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (e) of this section, unless the consumer has authorized a mixed shipment in his purchase order.

Except in cases in which the Office of Price Administration has given prior approval to Basic Open Hearth consumers to purchase Alloy Free Low Phos. and Sulphur Turnings at the prices listed above, no Basic Open Hearth Blast Furnace consumer may purchase any of the above grades at a price in excess of the price listed herein for the corresponding Basic Open Hearth or Blast Furnace Grade. The prices of Items 12 and 22 shall not exceed the prices of Basic Open Hearth and Blast Furnace Grades respectively, unless delivered to the consumer direct from the industrial producer thereof. [Footnotes 6 and 7 as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

⁶ Grade Titles as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701.

(b) *The most favorable basing point.* The "most favorable basing point" is the basing point which, when used to compute the shipping point price in the manner set forth in paragraph (c) (1) and (2) below, will yield the highest shipping point price.

(c) *Maximum shipping point prices.* (1) *Where shipment to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel.* Where the shipment of scrap to the consumer is by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer. In such cases, the maximum shipping point price shall be:

(i) For shipping points located within a basing point, the price listed in paragraph (a) hereof for the scrap at the basing point in which the shipping point is located, minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water car-

rier, or combination thereof. Where vessel movement is involved in the computation, in lieu of any established charges at the dock or of any charge or cost customarily incurred at the dock, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price: *Provided, however,* At Memphis, Tenn., the deduction shall be 50 cents per gross ton, at Great Lakes ports \$1.00 per gross ton, and at New England ports \$1.25 per gross ton.

(2) *Where shipment to the consumer is solely by motor vehicle.* Where the shipment of scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle. In such cases, the maximum shipping point price shall be:

(i) For shipping points located within a basing point, the price listed in paragraph (a) hereof for the scrap at the basing point in which the shipping point is located minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point minus the lowest established charge for trans-

porting scrap by public carrier from the shipping point to such basing point. Where vessel movement is involved in the computation, in lieu of any established charges at the dock or of any charge or cost customarily incurred at the dock, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price: *Provided, however,* At Memphis, Tenn., the deduction shall be 50 cents per gross ton, at Great Lakes ports \$1.00 per gross ton, and at New England ports \$1.25 per gross ton. If no established transportation rate exists for a portion of the movement from shipping point to basing point, the actual charge or cost customarily incurred by the shipper in such portion of the movement shall be included as part of the deduction in computing the shipping point price.

(3) No Charge shall be deemed an established charge within the meaning of Price Schedule No. 4 unless it has been the basis of actual movement of scrap to the most favorable basing point during the calendar year 1941.

[Paragraphs (c) (1), (2), and (3) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(4) *Exceptions to the formula for computing shipping point prices.* (i) At all shipping points in the United States, the maximum shipping point price for No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for the other grades) need not fall below \$13.00 per gross ton. In Tampa, Florida, Pensacola, Florida, Gulfport, Mississippi, Mobile, Alabama, New Orleans, Louisiana, Lake Charles, Louisiana, Port Arthur, Texas, Beaumont, Texas, Galveston, Texas, Texas City, Texas, Houston, Texas, and Corpus Christi, Texas, the maximum shipping point price need not fall below \$14.00 per gross ton for No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for the other grades).

(ii) Maximum shipping point prices at any shipping point in New York City, Brooklyn, N. Y., and New Jersey, which by reason of vessel rates have Buffalo or Sparrows Point as their most favorable basing point shall be computed from the prices at the Bethlehem, Pennsylvania basing point rather than the prices at Buffalo or Sparrows Point.

(iii) The maximum shipping point price within the Cincinnati basing point for Basic Open Hearth Grades and Items 18, 19 and 20 shall be the Cincinnati basing point price minus 80 cents per gross ton.

(iv) The maximum shipping point price for No. 1 heavy melting steel (with Sparrows Point differentials for the other grades) at all shipping points within the Boston, Mass., switching district shall be \$15.05 per gross ton f. o. b. cars or f. a. s. vessel, or, where delivery to the consumer is solely by motor vehicle, loaded on such vehicle.

[Subparagraph (4) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

¹ See also paragraph (e).

(d) *Maximum prices delivered to the plant of a consumer.* Scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

Where transportation to the point of delivery includes water movement, no established charges at the dock, or any charge or cost customarily incurred at the dock, may be included in the delivered price. In lieu thereof, 75 cents per gross ton may be included in the maximum delivered price: *Provided, however,* That this maximum allowance shall be 50 cents per gross ton at Memphis, Tenn., \$1.00 per gross ton at Great Lakes ports, and \$1.25 per gross ton at New England ports. Such allowances must be shown as a separate item on the invoice.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (i) Where transportation is by *public carrier*, the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by *other than public carrier*, the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight from the rail siding nearest the shipping point to the rail siding nearest the point of delivery: *Provided, however,* That this charge need never fall below \$1.00 per gross ton.

[Paragraphs (d) (1) and (2) as-amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

(3) *In no case, however, shall the delivered price exceed by more than one dollar the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, with the following exceptions:*

Exception 1. For consumers having St. Louis as their nearest basing point the delivered price may not exceed the

St. Louis basing point price by more than \$1.50: *Provided,* That the delivered price of scrap shipped to such consumers from shipping points in Arkansas may not exceed the St. Louis basing point price by more than two dollars. For consumers whose nearest basing points are Detroit, Birmingham and Alabama City, respectively, the delivered price may not exceed by more than two dollars the price at their respective basing points.

Exception 2. In the case of machine shop turnings or related grades of turnings, as defined herein, delivered to electric furnace producers of ferro alloys, and in the case of chemical borings delivered to chemical users thereof, the delivered price shall not be limited to one dollar in excess of the price at the basing point nearest the consumer's plant.

Exception 3. "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in § 1304.13, Appendix A, and having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, North Dakota, and South Dakota. Colorado scrap shall be remote scrap for Colorado consumers only.

(i) The delivered price of remote scrap may exceed by more than \$1.00 but not more than \$5.00 the price at the basing point nearest the consumer's plant; *Provided,* That immediately upon delivery of such scrap, the consumer files with the Office of Price Administration, Washington, D. C., (a) a fully detailed statement under oath setting forth the name and address of the seller, the shipping point of the scrap, the grade, quantity and price at shipping point, delivered price, the mode of transportation employed and the transportation charges from the shipping point to the point of delivery, and (b) certified copies of all bills of lading covering the shipment of such scrap from the remote shipping point to the point of delivery.

(ii) Where the delivered price of remote scrap would exceed by more than \$5.00 the price at the basing point nearest the consumer's plant, the consumer may not purchase or accept delivery of such scrap until his application to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap has been approved. Applications by consumers must be under oath and fully detailed, setting forth the name and address of the seller, point of shipment of the scrap, the grade, quantity and price at shipping point, proposed delivered prices, the mode of transportation to be employed, and the transportation charges from the shipping point to the consumer's plant. The application must also contain a statement by the consumer of its need for, and its willingness to accept, such scrap at the price quoted.

Immediately upon delivery of such scrap, the consumer must comply with the filing requirements of paragraph (i) (b) above.

Exception 4. Where scrap is shipped by vessel from Duluth, Minnesota, or

Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Saginaw, Michigan, Detroit, Michigan, or Chicago, Illinois, the delivered price shall not be limited to one dollar in excess of the price at the basing point nearest the consumer's plant.

Exception 5. In computing the delivered price of Billet, Bloom and Forge crops originating in and shipped from the Pittsburgh Basing Point, the maximum transportation charges which may be added to the shipping point price shall be \$2.50.

Exception 6. The delivered price of Low Phos. and Sulphur Punchings and Plate Scrap, Low Phos. and Sulphur Bar Crops and Smaller, Alloy Free Low Phos. and Sulphur Turnings, and First Cut Heavy Axle and Forge Turnings produced in industrial plants in the State of Michigan and shipped directly to consumers located in or nearest, in terms of established transportation charges, to the Buffalo, N. Y., Pittsburgh, Brackenridge, or Midland, Pa., basing points, shall not exceed by more than \$3.00 the price at the basing point nearest the consumer's plant.

Exception 7. Where scrap is shipped from a New England shipping point, the maximum transportation charges which may be added to the shipping point price shall be \$6.27 per gross ton.

Exception 8. Where the shipping point price of scrap is computed from water rates, and water movement is not available the year round, consumers who can establish that they did receive delivery of such scrap by water within \$1.00 of the price at their nearest basing point between April 15 and November 15, 1941, may pay the shipping point price plus all-rail transportation charges from the shipping point to the point of delivery whenever water movement is not available.

[Exceptions 1 to 8, inclusive, as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap. The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, box cars or graveyard automobiles, which must be so priced that the prepared scrap will deliver to the consumer within the maximum delivered price established hereinabove.

For unprepared scrap, maximum prices shall be \$2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap. In no case, however, shall Electric Furnace and Foundry grades, listed in paragraph (a) above be used as the "corresponding grade or grades of prepared scrap."

Except as otherwise provided hereunder, where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) of this section, until after such preparation has been completed. Where

a consumer purchases unprepared remote scrap in rail carload lots, if no adequate facilities for preparation exist at or near the shipping point, the consumer may designate a dealer or dealers to prepare such scrap for its use at a maximum preparation fee of \$2.50 per gross ton. In such cases the maximum delivered price shall be the shipping point price for unprepared scrap at the remote shipping point plus all-rail transportation charges to the point of delivery at the dealer's yard plus a \$2.50 per gross ton preparation fee plus transportation charges from the dealer's yard to the point of delivery after the scrap has been loaded on the delivering carrier. Interim loading, unloading and similar charges may not be absorbed by the consumer. The maximum delivered price of such scrap shall not exceed by more than \$5.00 the price at the basing point nearest the consumer's plant except upon prior approval of the Office of Price Administration as provided in Exception 3 in paragraph (d) of this section. Every purchase of scrap on this preparation fee basis shall likewise be subject to all the filing and other requirements in Exception 3 of paragraph (d) of this section.

At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

[Paragraph (c) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

(f) *Definitions of grades referred to in paragraph (a).*

Item 1. "No. 1 heavy melting steel". Steel scrap $\frac{1}{4}$ inch and over in thickness, not over 18 inches in width, and not over 5 feet long. Individual pieces must be cut into such shape that they will lie flat in a charging box. Cut boiler plate must be practically clean and free from stay bolts and not over 3 feet long and lie reasonably flat in charging box. No piece may weigh less than 5 pounds. This grade may include structural shapes, angle bars and plates, steel castings, heavy chain, carbon tool steel, heavy forgings, forge butts, and similar heavy material. This grade may also include new mashed pipe ends, original diameter 4 inches and over, thoroughly flattened, sheet bars, billets, blooms, rail ends, railroad steel, and wrought scrap, such as angles, splices, couplers, knuckles, short rails, drawbars, cut cast-steel bolsters, coil and leaf springs (all coil springs to be $\frac{3}{8}$ inch or larger in diameter). No needle or skeleton plate scrap, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldy pieces will be accepted. This grade must be free from dirt, excessive rust or scale, or foreign material of any kinds.

Item 2. "No. 1 hydraulic compressed black sheet scrap". New black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into charging box size, weighing not less than 75 pounds per cubic foot; must be clean and free from excessive rusted, paint, or protective

coating of any kind. No detained scrap, electrical sheets, or material over 0.5 per cent of silicon may be included.

[Item 2 as corrected 7 F.R. 809, February 7, 1942]

Item 3. "No. 2 heavy melting steel". Plate scrap, such as car sides, automobile frame stock, tank, and skelp crops, $\frac{1}{8}$ inch and heavier, steel parts of agricultural implements, wagons, buggies, and scrapped automobiles, auto and buggy springs cut apart, rods and bars, $\frac{1}{2}$ inch and heavier, punchings, $\frac{1}{4}$ inch and over in thickness, heavy clippings, new unmashed pipe ends, under 4 inches in diameter, horseshoes, and similar material. Car sides and all light plates to be sheared 15 by 15 inches or under and all tires and light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared into such shape that they will lie flat in a charging box and not tangle in handling with a magnet, all to be free from brass, copper, lead, zinc, tin, terneplate, cast iron, malleable iron, burnt scrap, dirt, or foreign material of any kind.

Maximum size is 15 inches wide by 3 feet long, excepting car sides.

Item 4. "Dealers' No. 1 bundles". New, black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into charging box size, weighing not less than 75 pounds per cubic foot; must be clean and free from excessive rust, paint, or protective coating of any kind. No detained scrap, electrical sheets, or material over 0.5 per cent silicon may be included.

Item 5. "Dealers' No. 2 bundles". Body and fender scrap, shearings, skeleton stamping scrap, side and end sheet and tin mill scrap, hydraulically compressed to charging box size. This grade must not include coated stock or foreign material such as galvanized, tin, etc.

N. B. Coated bundled scrap is an inferior grade to Item 5 and shall be priced in accordance with the provisions of footnote 6 of paragraph (a) above.

Item 6. "No. 1 busheling". Clean iron and soft-steel pipes and flues, tank, cut hoops and bands no. 12 gage and heavier, steel-plate punchings and clippings, soft-steel and iron forgings, and flashings; no dimension over 8 inches. This grade must be free from burnt material, hard steel, cast, malleable, and galvanized or metal coated stock of any kind.

Item 7. "Machine shop turnings". New, clean steel turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock may not be included. This grade may include high sulphur turnings or shell turnings.

Item 8. "Mixed borings & turnings". Clean, short, steel and wrought-iron turnings, drillings, screw cuttings, and cast or malleable iron borings and drillings, free from stringy, bushy, tangled, corroded material, lumps, excessive oil, scale, other metals, dirt, or foreign material of any kind.

Item 9. "Shovelling turnings". Clean, short, steel and wrought-iron turnings, drillings, or screw cuttings free from stringy, bushy, or tangled material, corroded or rusty lumps, excessive oil, scale, other metals, dirt, or foreign material of any kind.

Item 10. "No. 2 busheling". Cut hoops, netting, cotton ties, sheet, and similar material lighter than no. 12 gage, no dimension over 8 inches. This grade must be free from hard steel, cast, malleable, and galvanized or metal coated material of any kind.

Item 11. "Cast iron borings". New, clean cast-iron borings and drillings, free from steel turnings and from badly corroded or rusty material, lumps, oil, scale, other metals, dirt, or foreign material of any kind.

Item 12. "Low phos. billet, bloom & forge crops". Billet, bloom, axle, heavy forge, or bar crops not over 0.04 percent of phosphorus or sulphur, not over 0.5 percent of silicon, free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches. No piece to weigh less than 10 pounds nor more than 500 pounds. Must be new material and free from excessive rust.

Item 13. "Low phos. bar crops & smaller". Bar crops not over 0.04 percent of phosphorus or sulphur, not over 0.5 percent of silicon, free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches. No piece to weigh less than 10 pounds. Must be new material and free from excessive rust.

Item 14. "Low phos. punchings & plate scrap". Punchings from plate and structural-steel scrap, not less than $\frac{1}{2}$ inch diameter, not over 0.04 per cent of phosphorus or 0.05 per cent of sulphur, not over 0.5 per cent of silicon, free from alloys. Must be free from dirt and excessive rust or corrosion. Pieces must be cut 12 inches and under.

Item 15. "Heavy cut structural & plate scrap, 3 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than $\frac{1}{4}$ inch thick, cut to 3 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Item 16. "Heavy cut structural & plate scrap, 2 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than $\frac{1}{4}$ inch thick, cut to 2 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Item 17. "Heavy cut structural & plate scrap, 1 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than $\frac{1}{4}$ inch thick, cut to 1 ft. and under. Not over 0.04 per cent of phos-

phorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Items 18, 19, and 20 shall consist of uncoated steel parts of automobiles cut respectively to the dimensions specified and never to include body and fender stock.

Item 21. "Alloy free low phos. and sulphur turnings". New, short, clean steel turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock must not be included. (Material must be alloy free and 0.045 and under in phosphorus and sulphur).

Item 22. "First cut heavy axle & forge turnings". Heavy steel or iron axle or forge turnings, guaranteed not over 0.04 per cent of phosphorus or sulphur. Must not contain foreign material and must be clean and free from excessive rust and corrosion. Must not weigh less than 75 pounds per cubic foot.

Item 23 must be new all black hydraulic compressed sheet bundles 14 x 14 x 20 in. or smaller.

[Paragraph (f) Items 2, 4, 5, 7, 14, 21 and 23 as amended February 2, 1942, effective February 2, 1942; 7 P.R. 701]

§ 1304.14 Appendix B: Maximum prices for iron and steel scrap originating from railroads—(a) Scrap originating from railroads—operating in a basing point named below (all prices given below are per gross ton). The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. Where used in this appendix, the term "transportation charges" means the established charges for transporting the scrap to the point of delivery by the mode of transportation employed. In no case shall the maximum delivered price include any charge or cost incurred in unloading the scrap at the point of delivery or in subsequent handling.

[Paragraph (a) as amended February 2, 1942, effective February 2, 1942; 7 P.R. 701]

(1) Delivered to a consumer's plant located on the line of the railroad from which the scrap originated

[All the prices given below are per gross ton]

Basing points	(i) Listed grades					
	No. 1 railroad grade heavy melting steel	Scrap rails	Rails for rerolling ¹	Scrap rails 3 feet and under	Scrap rails 2 feet and under	Scrap rails 18 inches and under
Ashland, Ky.	\$20.50	\$21.50	\$23.00	\$23.50	\$23.75	\$24.00
Birmingham, Ala.	18.00	19.00	20.50	21.00	21.25	21.50
Buffalo, N. Y.	20.25	21.25	22.75	23.25	23.50	23.75
Canton, Ohio	21.00	22.00	23.50	24.00	24.25	24.50
Chicago, Ill.	19.75	20.75	22.25	22.75	23.00	23.25
Cincinnati, O.	20.50	21.50	23.00	23.50	23.75	24.00
Cleveland, O.	20.50	21.50	23.00	23.50	23.75	24.00
Detroit, Mich.	18.85	19.85	21.35	21.85	22.10	22.35
Duluth, Minn.	19.00	20.00	21.50	22.00	22.25	22.50
Kansas City, Mo.	17.00	18.00	19.50	20.00	20.25	20.50
Kokomo, Ind.	19.25	20.25	21.75	22.25	22.50	22.75
Los Angeles, Calif.	18.00	19.00	20.50	21.00	21.25	21.50
Middletown, O.	20.50	21.50	23.00	23.50	23.75	24.00
Philadelphia, Pa.	19.75	20.75	22.25	22.75	23.00	23.25
Pittsburgh, Pa.	21.00	22.00	23.50	24.00	24.25	24.50
Portsmouth, O.	20.50	21.50	23.00	23.50	23.75	24.00
San Francisco, Calif.	18.00	19.00	20.50	21.00	21.25	21.50
Seattle, Wash.	15.50	16.50	18.00	18.50	18.75	19.00
Sharon, Pa.	21.00	22.00	23.50	24.00	24.25	24.50
Sparrows Point, Md.	19.75	20.75	22.25	22.75	23.00	23.25
Steubenville, O.	21.00	22.00	23.50	24.00	24.25	24.50
St. Louis, Mo.	18.50	19.50	21.00	21.50	21.75	22.00
Wheeling, W. Va.	21.00	22.00	23.50	24.00	24.25	24.50
Wilmington, Del.	19.75	20.75	22.25	22.75	23.00	23.25
Youngstown, O.	21.00	22.00	23.50	24.00	24.25	24.50

¹ Where the railroad originator of the scrap operates in two or more of the Basing Points named above, the highest of the maximum prices established above for such Basing Points shall be the maximum price of the scrap delivered to a consumer's plant at any point on the railroad's line.

² The term "rails for rerolling" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for re-laying.

(ii) Grades not listed. (a) The price at which a consumer located on the line of the railroad from which the scrap originated may purchase any grade of scrap not listed above shall not exceed the average price per gross ton which such railroad sold such grade delivered to the Plant of a consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, or, in case no sale was made during the period, the price at which the grade was last sold by the railroad prior thereto, and, in either event, adjusted to allow for

the average grade differentials of the railroad in a manner indicated in subparagraph (b) below.

(b) For purposes of subparagraph (a) above, the maximum prices for any grade not listed in paragraph (1), (i), shall be adjusted to allow for the average grade differentials of the railroad by:

First, computing the amount of the base grade differential for the railroad which shall be the difference between the average price per gross ton at which the railroad from which the scrap originated sold No. 1 Railroad Grade Heavy

Melting Steel Scrap delivered to the plant of the consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, and the railroad's maximum price established for such grade under paragraph (1), (i); and

Second, by applying this base grade differential to the price to be adjusted by either subtracting the amount of such differential from such prices in case the railroad's average price of No. 1 Railroad Grade Heavy Melting Steel Scrap exceeds the railroad's maximum price established for such grade under paragraph (a), (1), or adding the same in case the railroad's average price is less than such maximum.

(2) Delivered to a consumer's plant located off the line of the railroad from which the scrap originated. Except in the case of shipments of scrap by vessel from Duluth, Minnesota, or Superior, Wisconsin to consumers located in Buffalo, N. Y., Cleveland, Ohio, Elyria, Ohio, Detroit and Saginaw, Michigan, and Chicago, Illinois, the maximum price is either of the following, whichever is greater:

(i) The maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, or, if the consumer can establish that he has been served by the same source of scrap in the past, this maximum price plus transportation charges (including off-the-line switching charges), from the railroad's line to the point of delivery, of not more than two dollars per gross ton for Rails for Rerolling, Scrap Axles and other scrap for rerolling, and of not more than one dollar per gross ton for all other grades of scrap; or

(ii) The prices listed in paragraph (1) above, for the Basing Point nearest the consumer's plant.

Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Detroit and Saginaw, Michigan, and Chicago, Illinois, the maximum delivered price shall be the maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, plus transportation charges from the railroad's line to the point of delivery.

[Subparagraph (2) as amended February 2, 1942, effective February 2, 1942; 7 P.R. 701]

(b) Scrap originating from railroads not operating in any of the basing points named above. Except in the case of Rails for Rerolling, the maximum price of any grade of such scrap delivered to consumers located on and off the line of the railroad shall not exceed:

(1) For the grades listed above, either of the following, whichever is less:

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during

the period commencing September 1, 1940 and ending January 31, 1941; or

(ii) The price at the Basing Point nearest, in terms of transportation charges, to the consumer's plant; and

(2) For the grades not listed above, either of the following, whichever is less:

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940, and ending January 31, 1941; or

(ii) The average price per gross ton as determined in Subparagraph (i) hereof, minus the amount by which the average price of No. 1 Railroad Grade Heavy Melting Steel scrap, as determined in (i), exceeds the price of No. 1 Railroad Grade Heavy Melting Steel scrap at the Basing Point nearest, in terms of transportation charges, to the consumer's plant.

In the case of Rails for Rerolling, the maximum price of such scrap f. o. b. the line of the railroad originator thereof shall be the average price per gross ton at which the railroad originator sold such grade f. o. b. its line during the period commencing September 1, 1940, and ending January 31, 1941. The maximum price of Rerolling Rails shall be the f. o. b. line price thus established plus transportation charges from the railroad's line to the rerolling mill's point of delivery.

This exception for Rails for Rerolling applies only to railroads not operating in a Basing Point named in paragraph (a), (1), (i) hereof.

(c) Maximum prices for scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originating from railroads who do not, within two weeks after the issuance of this schedule, file average price information with the Office of Price Administration. Railroad scrap shipped from a dealer's yard shall be deemed to have lost its railroad origin. In the case of railroad scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originating from any railroad which does not, within two weeks after the issuance of this schedule, file the average price information required under paragraphs (a) or (b) hereof and by § 1304.4 of this schedule, the maximum prices shall be as follows:

(1) In the case of scrap rails, scrap rails 3 feet and under, scrap rails 2 feet and under, scrap rails 18 inches and under, and rails for rerolling, the shipping point price shall be computed by application of the provisions of paragraphs (b) and (c) of § 1304.13, Appendix A, to the prices at the most favorable basing point in § 1304.15, Appendix B. In no case need this shipping point price fall below \$14.00 for scrap rails, \$16.00 for scrap rails 3 feet and under, \$16.25 for scrap rails 2 feet and under, \$16.50 for scrap rails 18 inches and under, and \$15.50 per gross ton for rails for rerolling. The maximum delivered price shall be the shipping point price thus obtained plus transportation charges from

the shipping point to the point of delivery.

(2) All other grades of such scrap shall be classified under § 1304.13, Appendix A, or § 1304.15, Appendix C, and their maximum prices shall be governed by the provisions of the applicable appendix.

[Paragraph (c) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

(d) Unprepared scrap. The maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, maximum prices shall be \$2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) hereof, until after such preparation has been completed.

[Paragraph (d) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

§ 1304.15 Appendix C: Maximum price for cast iron scrap other than railroad scrap (all the prices given below are per gross ton). (a) Maximum price at shipping point. Where shipment of the scrap to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer.

Where shipment of the scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle.

The shipping point price for grades¹ of cast iron scrap at the following shipping points in the United States shall be:

	Group A	Group B	Group C
1. No. 1 Cupola Cast.....	\$18.00	\$19.00	\$20.00
2. No. 1 Machinery Cast, Drop Broken 150 lbs. and under..	18.00	19.00	20.00
3. Clean Auto Cast.....	18.00	19.00	20.00
4. Unstripped Motor Blocks....	17.50	18.50	19.50
5. Stove Plate.....	17.00	18.00	19.00
6. Heavy Breakable Cast.....	15.50	16.50	17.50
7. Charging Box Cast.....	17.00	18.00	19.00
8. Miscellaneous Malleable.....	20.00	21.00	22.00

Group A includes the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona and New Mexico. Group B includes the states of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas and Florida.

Group C includes all states not named in groups A and B, and includes the switching district of Kansas City, Kans.-Mo.

[Paragraph (a) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(b) Maximum price delivered to a consumer. Scrap is at its point of delivery to a consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

The maximum price at which any grade of cast iron scrap may be delivered to a consumer shall be:

(1) Where transportation from shipping point to point of delivery is wholly or partially by rail or vessel, or combination of rail and vessel, the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. Where transportation to the point of delivery includes water movement, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included in the delivered price. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per gross ton, may be included in the delivered price. In either case such charges must be shown as a separate item on the invoice.

(2) Where transportation from shipping point to point of delivery is solely by motor vehicle. (i) Where transportation is by public carrier, the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by other than public carrier, the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight, from the rail siding nearest the shipping point to the rail siding nearest the point of delivery, provided however that this charge need never fall below \$1.00 per gross ton.

(iii) Where shipment of the scrap to the consumer is solely by motor vehicle, the delivered price shall not exceed the shipping point price unless the consumer shall receive a certificate made out to the Office of Price Administration, Washington, D. C., and signed by the person from whose yard or point of accumulation the scrap was placed at its shipping point and by the person by whom or on behalf of whom the scrap was transported from shipping point to point of delivery. Such certificate shall, among other things, specify the quantity and grade of the scrap, the shipping point, the point of

¹ Inferior grades shall continue to be purchased at the differential below the corresponding schedule grade which the consumer paid during the period September 1, 1940 to January 31, 1941. In no case shall any grade deemed by buyer, or seller, or both to be superior to any grade listed above be sold at a premium above the corresponding schedule grade except upon prior approval by the Office of Price Administration. No special preparation charges may in any case be added to the prices listed above. Except in the case of items 4 and 7, no Basic Open Hearth (and, in the case of item 8, no consumer other than a malleable foundry) may pay for any grade a price in excess of the price listed for item 6. Mixed shipments of any of the above grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (d) hereof, unless the consumer has authorized a mixed shipment in his purchase order.

delivery, and the transportation charges from shipping point to point of delivery. The consumer shall acknowledge receipt of the material on the face of the certificate. Certification must be executed on the Office of Price Administration's Form 104:15 (or a copy thereof). Such forms may be secured from the Office of Price Administration, Washington, D. C., or from any Regional Office.

The above mentioned certificate, shall be preserved by the consumer as part of the record-keeping requirements outlined in § 1304.8. A copy shall likewise be preserved by all persons signing the certificate.

[Paragraph (b) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 923]

(c) Definitions of grades referred to in paragraph (a).

Item 1. No. 1 Cupola Cast. Clean cast-iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds. Must be free from steel and malleable parts and foreign material.

Item 2. No. 1 Machinery Cast, Drop Broken, 150 lbs. and under. Clean machinery cast-iron scrap. May include the cast-iron parts of agricultural machinery. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds. Must be free from steel and malleable parts.

Item 3. Clean Auto Cast. Clean, broken auto blocks, free of all steel parts and broken 75 pounds or under.

Item 4. Unstripped Motor Blocks. Motor blocks from which steel or non-ferrous fittings have not yet been removed.

Item 5. Stove Plate. Clean cast-iron stove plate. Must be free from malleable and steel parts, window weights, plow points, grates, burnt iron, etc.

Item 6. Heavy Breakable Cast. Clean cast-iron scrap, such as columns, pipes, plates, and castings of miscellaneous nature, weighing over 150 pounds, and which can be broken by an ordinary drop into cupola size.

Item 7. Charging Box Size Cast. Clean cast-iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be 18 in. x 5 ft. and smaller.

Item 8. Miscellaneous Malleable. Malleable parts of automotive vehicles, agricultural implements, and miscellaneous malleable iron castings. Must be free from cast iron and steel parts and other foreign material.

[Paragraph (c) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(d) *Unprepared scrap.* Except in the case of Heavy Breakable Cast, the maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, exclusive of Heavy Breakable Cast, maximum prices shall be \$2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of deliv-

ery, such scrap is not at its shipping point, as that phrase is defined in paragraph (a) hereof, until after such preparation has been completed.

[Paragraph (d) added by amendment December 24, 1941, effective December 24, 1942; 6 F.R. 6766]

§ 1304.16 *Appendix D: Maximum prices for iron and steel scrap for export from the United States.* (Per Gross Ton, f. a. s. and f. o. b. Point of Export)

(a) *Other than railroad scrap.* The maximum export price of any grade of iron and steel scrap other than railroad scrap shall be the maximum shipping point price derived under § 1304.13, Appendix A, or § 1304.15, Appendix C, plus all transportation charges, as defined in paragraph (d) of § 1304.13, Appendix A, for transporting the scrap from the shipping point to the place of export. For scrap exported by ship this maximum export price shall be f. a. s. vessel at the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be f. o. b. railroad cars at the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of Price Schedule No. 4 and must be shown as a separate charge on the invoice.

(b) *Scrap originating from railroads.* The maximum export price of any grade of iron and steel scrap of railroad origin shall be the maximum price established and determined under § 1304.14 Appendix B for a consumer located on the line of the railroad originator of the scrap plus all transportation charges, as defined in paragraph (a) of § 1304.14 Appendix B, from the line to the place of export. For scrap originating from a railroad not operating at a Basing Point, no transportation charges shall be added to the maximum prices of such scrap as determined under § 1304.14 Appendix B. For scrap exported by ship these maximum prices shall be f. a. s. vessel at the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be f. o. b. railroad cars at the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of Price Schedule No. 4 and must be shown as a separate charge on the invoice.*

§ 1304.17 *Appendix E: Maximum prices for iron and steel scrap imported into the United States.* Only consumers, and persons acting as brokers on behalf of specific consumers, may enter into contracts to import iron and steel scrap.

Imported scrap is at its point of delivery to a consumer when it has arrived for unloading at the consumer's plant.

No such purchase of imported scrap may be made until after the consumer has filed with the Office of Price Administration, Washington, D. C., a fully detailed statement under oath setting forth the name and address of the seller, the grade and quantity of the scrap, a detailed breakdown of all factors of which

the price at the point of delivery is comprised; and until such application has been approved.

Immediately upon delivery of such scrap, the consumer must file certified copies of bills of lading covering the shipment of such scrap.*

Issued this 2d day of April 1941.¹

[Effective April 3d, 1941]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 6—IRON AND STEEL PRODUCTS

[Issued by the Office of Price Administration and Civilian Supply and adopted by the Office of Price Administration]

Price Schedule No. 6 was issued on April 16, 1941, to stem a threatened general increase in steel prices. It successfully achieved its major purpose. Such inequities and hardships as were inevitably involved in an action of this nature have been alleviated in the course of administration. In June 1941 a revision of Price Schedule No. 6 was issued to incorporate certain suggestions received from a cross-section of the industry. In the light of the experience of recent months, however, it is now thought desirable to reissue a revised Price Schedule No. 6 designed to eliminate certain ambiguities and minor errors. This revision in no way affects the major provisions of the original Price Schedule No. 6. It continues to employ the multiple basing point, price leadership, and extras systems which are presently in effect in the industry. As before, this acceptance of these systems merely as a vehicle for determining price should not be regarded as approval thereof, nor should this reservation be regarded as indicating disapproval.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that—

§ 1306.1 *Maximum prices for iron or steel products.* On and after April 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1306.4 hereof, no producer shall sell, offer to sell, deliver or transfer any iron or steel product, and no person shall accept delivery of any such product at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.10: *Provided*, That with respect to any sale of any such product for future delivery, a contract may provide for the payment of an adjusted price or for the payment of a price in effect at the time of shipment if such contract also expressly states that the

¹ Issued: 6 F.R. 1767. Published as Title 32, Chapter VI, Subchapter B, Sections 1 to 16, inclusive, and Appendices A, B, and C. Amended: 6 F.R. 1872. Sections renumbered and amended: 6 F.R. 2335. Codified and revised: 6 F.R. 2986. Amended: 6 F.R. 3061, 3985, 4417, 4615, 4867, 4921, 5181. Revised: 6 F.R. 5954, 6688. Amended: 6 F.R. 6766; 7 F.R. 701. Corrected: 7 F.R. 809. Amended: 7 F.R. 928.

price at time of shipment shall not exceed the maximum price established by the Office of Price Administration and in effect at time of shipment.

Provided further, That the provisions of Price Schedule No. 6 shall apply only to sales, offers to sell, deliveries, or transfers of iron or steel products moving within, into or out of one of the 48 states of the United States or the District of Columbia. The export provisions of Price Schedule No. 6 shall apply to any sale for delivery outside the 48 states or the District of Columbia.*

* §§ 1306.1 to 1306.14, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1306.10) may be charged, demanded, paid or offered.*

§ 1306.3 *Evasion.* The price limitations set forth in Price Schedule No. 6 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of any iron or steel product, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying agreement or other trade understanding. Without limiting the generality of the foregoing, the price limitations set forth in Price Schedule No. 6 shall not be evaded by improper classification of any iron or steel product; by improper application of extras; by elimination or reduction of any customary or general privilege as defined in § 1306.10 (i); by the charging of any premium for prompt or early delivery; by the splitting of orders into small quantities with design to increase prices; or by pricing on an f. o. b mill basis or on the basis of any other than designated basing points, when either of these practices results in a higher than ceiling delivered price.*

§ 1306.4 *Existing contracts.* A price in excess of the maximums established herein shall not be charged, demanded, paid, or offered in the case of any contract entered into subsequent to April 16, 1941. Contracts entered into on or prior to April 16, 1941, which do not conform to the requirements of Price Schedule No. 6, may be completed on the contract terms only with respect to shipments made prior to March 15, 1942.*

§ 1306.5 *Records and reports.* (a) Every producer of iron or steel products shall keep for inspection by the Office of Price Administration for a period of not less than one year, copies of all invoices dated January 1, 1941, or later, relating to sales of such products, including sales to warehousemen, jobbers, brokers, and all other persons purchasing for resale. Every such invoice shall clearly indicate the price actually paid, together with all discounts or other credit terms.

(b) Every producer of iron or steel products shall file with the Office of Price Administration, Washington, D. C., on or before February 16, 1942, all charges, terms and discounts, including base prices published or quoted as of April 16, 1941, and extras which were (1) published and quoted and (2) actually and customarily charged as of April 16, 1941,

insofar as such filing was not made prior to the effective date of this Amended Price Schedule No. 6. On and after February 16, 1942, except as provided in § 1306.10 (b) or as specifically authorized by the Office of Price Administration, no prices, extras, or other charges permitted by Price Schedule No. 6 may be charged which have not been filed with the Office of Price Administration.*

§ 1306.6 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of Price Schedule No. 6, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of the price of iron or steel products, are urged to communicate with the Office of Price Administration.*

§ 1306.7 *Modification of Price Schedule No. 6.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 6 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. In considering any such application the Office of Price Administration may require the submission in affidavit form of any further data which it may consider relevant, and it shall upon request have access to the records and books of the applicant. In connection with any such application for relief, a sworn affirmation of compliance with this and all other Price Schedules issued by the Office of Price Administration must be submitted or the absence thereof clearly explained.*

§ 1306.8 *Definitions.* When used in Price Schedule No. 6, the term:

(a) "Person" means an individual, partnership, association, trust, corporation or other business entity, including executors or administrators, trustees in bankruptcy, receivers, or other court-appointed officials;

(b) "Producer" or "producer of iron or steel products" means any person who manufactures or produces any of the iron or steel products as defined in paragraph (c) herein;

(c) "Iron or steel products" means and includes all iron or steel ingots, all semi-finished iron or steel products, all finished hot-rolled or cold-rolled iron or steel products, and any iron or steel product which is further finished by galvanizing, plating, coating, drawing, extruding, etc. Without limiting the generality of the foregoing, the term shall include all products listed in Appendix B (§ 1306.11) of Price Schedule No. 6. The term shall also include all seconds and off-grade iron or steel products: *Provided*, That the term shall not include pig iron.*

* See Price Schedule No. 10.

(d) "Governing basing point" means that established basing point the use of which results in the lowest delivered price at the place of delivery.

(e) "Emergency basing point" means the established basing point at or nearest the place of production or of origin of shipment.

(f) "Usual market area" of any mill with respect to a shipment of any product means that area into which the particular iron or steel product had, in the course of the two years prior to April 16, 1941, been customarily shipped by such mill in quantities comparable to the shipment being made.

(g) "Basing point base prices" means:

(1) The prices announced prior to December 31, 1940, or customarily quoted by Carnegie-Illinois Steel Corporation, American Steel & Wire Co., Tennessee Coal, Iron & Railroad Co., National Tube Co., and Columbia Steel Co., as base prices effective during the first quarter of 1941, or in effect on April 16, 1941, and applicable at designated basing points for iron or steel products; or

(2) In the case of an individual producer, the prices announced or customarily quoted by such producer during the first quarter of 1941, or in effect on April 16, 1941, as base prices applicable at designated basing points for iron or steel products: *Provided*, That the base prices under this subparagraph (2) shall not be in excess of the base prices under subparagraph (1), for the purpose of this definition, except to the extent which actually prevailed in the case of such producer, during the entire third quarter of the year 1940; or

(3) Where there are delivered prices applicable at a particular place, including Detroit, eastern Michigan, and the Gulf and Pacific Coast basing points listed in Appendix C (§ 1306.12), and such prices are less than the basing point base prices at the nearest governing basing point plus transportation charges, such prices for the purpose of Price Schedule No. 6 shall be deemed basing point base prices applicable for delivery at such place: (i) *Provided*, That such prices, except in the case of the Gulf and Pacific Coast ports, are not to be used to arrive at delivered prices to other destinations; (ii) *Provided further*, That when delivery is made in any part by water transportation, to these maximum delivered prices may be added any excess in the charges for war risk marine insurance above the charges prevailing prior to January 8, 1942; (iii) *Provided further*, That this paragraph need not apply (a) in the case of a shipment to or based upon Gulf or Pacific Coast points, if the customary means of transportation are not used, or (b) if the shipment is outside the usual market area, as defined in § 1306.8 (f), in which cases the shipment may be priced in accordance with paragraph (b) of Appendix A (§ 1306.10).

(h) (i) "Extras" means when used with reference to domestic sales (i) the published or quoted extras of the subsidiaries of the U. S. Steel Corporation as of April 16, 1941, or (ii) the published

or quoted extras of the individual producer, as of April 16, 1941, being additions to or deductions from the base price to make adjustment for variations in the product sold from the product governed by the base price, which variations might be in size or other physical specifications, chemical analysis, processing or other quality or treatment or in the quantity of the product: *Provided*, That (except as permitted under § 1306.10 (h)) where any extra may have been so published or quoted but had not been charged, in whole or in part, by a producer for a specific application to a particular group or groups of buyers on April 16, 1941, or during the two years prior thereto, before such published extra may be charged or invoiced by such producer after March 15, 1942, to such particular group or groups of buyers such producer must apply for approval to and receive approval from the Office of Price Administration for the charging of such extra for such application to such particular group or groups of buyers.

Any extra approved by the Office of Price Administration under this section may after publication thereof be charged by all producers covered by Price Schedule No. 6. Without limiting the generality of this proviso, approval may be denied for the charging of any such extra, even if published as of April 16, 1941, to the extent that such extra during the two years prior to April 16, 1941, had been generally ignored in pricing steel for a particular group or groups of buyers so that the failure to charge such extra constituted a customary trade practice in respect to such buyers.

(2) "Extras" when used with reference to export sales means (i) the export extras published or quoted by the United States Steel Export Company, by the Steel Export Association, or by the individual producer, as of April 16, 1941; or (ii) where extras provided under (i) are not applicable, domestic extras as defined in paragraph (h) (1) above.*

§ 1306.9 *Effective date of Price Schedule No. 6.* This Schedule (§§ 1306.1 to 1306.9, inclusive) shall become effective April 17, 1941.*

[This Schedule, as amended (§§ 1306.1 to 1306.14, inclusive) shall become effective February 4, 1942]

§ 1306.10 *Appendix A: Domestic and export ceiling prices for sales by producers of iron and steel products.* (a) The domestic ceiling delivered price for any iron or steel product for which there are basing point base prices shall be the aggregate of:

(1) The basing point base price at the governing basing point;

(2) Applicable extras, as defined in and subject to the provisions of § 1306.8 (h). (i): *Provided*, That in no case shall an extra or extras be charged for any processing, testing, chemical specification, special quality, quantity, etc., unless these services are actually performed and are necessary in order to furnish an iron or steel product of a type and quality required to fabricate successfully the

article in question or to meet the specifications of the purchaser.

(3) Transportation charges in effect at the time of shipment from the governing basing point to the place of delivery as customarily computed.

(b) Notwithstanding the provisions of paragraph (a), if in any case in which by reason of unusual circumstances arising directly from the emergency demands of the war program, a shipment of any product is made to a place which is not within the usual market area of the mill from which shipment is made, the emergency basing point may be used and transportation charges may be calculated from the emergency basing point to the place of delivery. Such transportation charges shall in no case exceed the actual cost of transportation on the shipment. All persons selling iron or steel products under this paragraph (b) shall maintain complete and readily available records of all such sales and shall report such sales to the Office of Price Administration as the Office of Price Administration may from time to time require.

(c) The export ceiling price for any iron or steel product for which there are basing point base prices shall be the aggregate of: (1) the basing point base price at the governing basing point or at the emergency basing point; (2) applicable export extras; (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed: *Provided*, That the export price at a particular seaboard point may be the aggregate of (i) the export base price of United States Steel Export Company F. A. S. seaboard at such point in effect on April 16, 1941, (whether sales are F. A. S. or F. O. B. mill with freight prepaid to seaboard) (ii) applicable export extras. In the case of C. I. F. sales adjustments for additional transportation and insurance charges may be made. (Such F. A. S. prices for principal products at principal ports are listed in § 1306.13 Appendix D).

(d) The ceiling delivered price for any iron or steel product for which there are basing point base prices when such products are purchased for account of the Lend-Lease Administration, shall be the aggregate of (1) the domestic basing point base price at the governing basing point, or at the emergency basing point; (2) applicable domestic or export extras; and (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed.

(e) For all iron or steel products, such as specialty products, for which there are no basing point base prices and extras or United States Steel Export Company F. A. S. seaboard prices, the ceiling prices shall be the prices and extras which were or would have been charged by the seller on April 16, 1941 (upon the basis of the prices, discounts, charges, or extras then listed or quoted by the seller) for such iron or steel products.

(f) The maximum delivered price for all seconds or off-grade iron or steel

products shall not exceed the maximum delivered price for comparable iron or steel products of prime quality.

(g) The maximum base price for carbon steel ingots, rerolling quality, standard analysis, shall be \$31.00 per gross ton, f. o. b. mill.

(h) In any case in which the maximum prices set forth in Price Schedule No. 6 are not applicable to a new product or a substantial variation in a product or a new process, the producer shall file with the Office of Price Administration his prices or charges for such product or process, and the Office of Price Administration reserves the right to disapprove the charging of such prices or charges.

(i) All customary or general privileges in effect as of April 16, 1941, including, without limiting the generality of the foregoing, delivery and other services of all kinds, credit or other terms of payment, functional discounts and allowances such as those customarily made to jobbers, dealers or other distributors and discounts and allowances customarily made to specific classes of purchasers such as manufacturers of roofing materials, chain link fencing, culverts, etc., shall be continued without diminution or extra charge: *Provided*, That this paragraph shall not apply to any reductions in published or quoted base prices arising from specific competitive situations.

§ 1306.11 *Appendix B: Products included in the definition of iron or steel products, § 1306.9 (c).* The following iron and steel products and their alloys (including stainless) are "Iron or steel Products" as defined in § 1306.9 (c). This list does not limit the generality of the definition of iron and steel products contained in § 1306.9 (c).

- Ingots
- Blooms
- Billets
- Slabs
- Sheet Bars
- Skelp
- Tube rounds
- Muck bar
- Forging rounds
- Bars and small shapes, new billet and rail steel—all types and grades including:
- Merchant
- Cold finished—carbon
- Concrete reinforcing
- Alloy-hot rolled - cold finished
- Hoops and baling bands
- Tool steel bars—rolled and forged
- Plates—all types
- Armor plate—forged, rolled and otherwise
- Shapes including bearing piles
- Sheet piling and accessories
- Rails—all types
- Track materials including:
- Tie plates
- Tie rods
- Track spikes
- Splice bars (joint bars, angle bars, rail joints, and fish plates)
- Ties
- Axles, car wheels, or any combination—rolled or forged

Pipe and tube—plain, threaded and coupled—all types and grades, including:
 Conduit
 Spiral welded
 Mechanical tubing
 Boiler, pressure, and heat exchanger tubing
 Black Plate
 Tin plate—all types
 Sheets and strip, all types, including plain and corrugated; and roofing and siding of all types; including:
 Hot rolled
 Cold rolled
 Galvanized
 Ternes
 Enameling
 Electrical
 All other
 Wire and wire rods—all types and grades
 Merchant wire products, including:
 Nails, staples, and brads
 Merchant quality wire
 Wire fencing, including woven, chain, link and lawn
 Bale ties and buckle wire
 Posts—all types and accessories
 Poultry and animal farm netting
 Twisted barbless and barbed wire
 Wire clothes line
 Wire rope, wire strand, and special cords such as aircraft
 Woven wire cloth—insect, hardware, and all other
 Wire belting
 Wire hoops
 Communications and power transmission wire
 Welded or woven wire fabrics for reinforcing

§ 1306.12 Appendix C: Principal establishments basing points for selected products covered by Price Schedule No. 6.

Axles—Rolled or Forged:
 Birmingham
 Chicago
 Pittsburgh

Bale Ties:
 Birmingham
 Chicago
 Cleveland
 Duluth
 Pittsburgh
 Pacific Coast Ports

Bars—Alloy Steel, Hot Rolled:
 Bethlehem
 Buffalo
 Canton
 Chicago
 Massillon
 Pittsburgh

Bars—Alloy Steel, Cold Finished:
 Buffalo
 Chicago
 Cleveland
 Gary
 Pittsburgh

Bars and Small Shapes—Carbon Steel and Rail Steel, Hot Rolled:
 Birmingham
 Buffalo
 Chicago
 Cleveland
 Duluth (Carbon Steel only)
 Gary
 Pittsburgh

Bars and Small Shapes—Continued
 Gulf Ports
 Pacific Coast Ports

Bars—Carbon Steel, Cold Finished:
 Buffalo
 Cleveland
 Chicago
 Detroit
 Gary
 Pittsburgh

Bars—Concrete Reinforcing, New Billet and Rail Steel:
 Birmingham
 Buffalo
 Chicago
 Cleveland
 Gary
 Pittsburgh
 Sparrows Point, Md. (New Billet only)
 Youngstown
 Gulf Ports:
 Beaumont, Texas
 Galveston, Texas
 Houston, Texas
 Orange, Texas
 Port Arthur, Texas
 Pacific Coast Ports

Bars, Billets, Blooms, Muck Bar—Iron:
 Berwick, Pa.
 Burnham, Pa.
 Chicago
 Coatesville, Pa.
 Columbia, Pa.
 Creighton, Pa.
 Cuyahoga Falls, Ohio
 Dover, N. J.
 Jersey City, N. J.
 Lebanon, Pa.
 Louisville, Ky.
 Pittsburgh
 Richmond, Va.
 Terre Haute, Ind.

Bars and Billets—Tool Steel:
 Bethlehem
 Pittsburgh
 Syracuse, N. Y.

Blooms, Billets and Slabs—Alloy Steel:
 Bethlehem
 Buffalo
 Canton
 Chicago
 Massillon, Ohio
 Pittsburgh

Blooms, Billets and Slabs—Carbon Steel, Forging and Rerolling:
 Birmingham
 Buffalo
 Chicago
 Cleveland
 Duluth (Billets only)
 Gary
 Pittsburgh
 Sparrows Point, Md. (Rerolling quality)
 Youngstown

Fence Posts:
 Birmingham (Angle line posts only)
 Chicago
 Cleveland
 Pittsburgh
 Pacific Coast Ports

Pipe—Wrought Iron:
 Pittsburgh

Pipe—Steel:
 Gary
 Lorain
 Pittsburgh

Ingots—(Forging):
 Pittsburgh

Ingots—(Alloy):
 Pittsburgh
 Bethlehem
 Buffalo
 Canton
 Chicago
 Coatesville
 Massillon

Plates—Carbon:
 Birmingham (up to incl. 106" wide)
 Chicago
 Claymont, Del.
 Cleveland, Ohio
 Coatesville, Pa.
 Gary
 Pittsburgh
 Sparrows Point, Md.
 Youngstown
 Gulf Ports
 Pacific Coast Ports

Plates—Alloy:
 Chicago
 Coatesville
 Pittsburgh
 Gulf Ports
 Pacific Coast Ports

Plates—Floor:
 Pittsburgh
 Chicago
 Gulf Ports
 Pacific Coast Ports

Girder Rails and Splice Bars Therefor:
 Lorain, Ohio
 Steelton, Pa.

Light Rails—(60 lb. or less per yd.):
 Birmingham
 Chicago
 Pittsburgh

Rails and Splice Bars for Rails (over 60 lb. per yd.):
 Gulf Ports:
 New Orleans
 Mobile, Ala.
 Galveston, Tex.
 Houston, Tex.
 Pacific Coast Ports:
 Oakland, Cal.
 San Francisco
 San Pedro, Cal.
 Portland, Ore.
 Seattle, Wash.

On sales to Railroad Cos. 200 g. t. or more for rails, and any quantity for splice bars.

Railroad Tie Plates—for Standard Tee Rails:
 Birmingham
 Buffalo
 Chicago
 Kansas City, Mo.
 Minnequa, Colo.
 Pittsburgh
 Pittsburgh
 St. Louis
 Steelton, Pa.
 Weirton, W. Va.
 Pacific Coast Ports

Railroad Track Spikes:
 Birmingham
 Chicago
 Kansas City, Mo.
 Lebanon, Pa.
 Minnequa, Colo.
 Pittsburgh
 Portsmouth, Ohio
 Richmond, Va.
 St. Louis
 Weirton
 Youngstown

Railroad Track Spikes—Continued.

Pacific Coast Ports:
 San Francisco
 San Pedro, Calif.
 Portland, Oreg.
 Seattle, Wash.

Sheet Bars:

Buffalo
 Canton
 Chicago
 Cleveland
 Pittsburgh
 Sparrows Point, Md.
 Youngstown

Sheets—Cold Rolled:

Buffalo
 Chicago
 Cleveland
 Gary
 Granite City, Ill.
 Middletown, Ohio
 Pittsburgh
 Youngstown
 Pacific Coast Ports

Sheets—Enameling:

Pittsburgh
 Chicago
 Cleveland
 Gary
 Granite City
 Middletown
 Youngstown
 Pacific Coast Ports

Sheets—Electrical:

Pittsburgh
 Granite City
 Pacific Coast Ports

Sheets—Galvanized:

Birmingham
 Buffalo
 Chicago
 Gary
 Granite City, Ill.
 Middletown, Ohio
 Pittsburgh, Pa.
 Sparrows Point, Md.
 Youngstown, Ohio
 Pacific Coast Ports

Sheets—Hot Rolled:

Birmingham
 Buffalo
 Chicago
 Cleveland
 Gary
 Granite City, Ill.
 Middletown, Ohio
 Pittsburgh
 Sparrows Point, Md.
 Youngstown, Ohio
 Pacific Coast Ports

Sheet—Long Terne:

Chicago
 Gary
 Pittsburgh
 Pacific Coast Ports

Skeip—Carbon Steel

Chicago
 Coatesville
 Pittsburgh, Pa.
 Sparrows Point, Md.
 Youngstown

Skeip—Charcoal Iron:

Coatesville, Pa.

Steel Sheet Piling & Accessories:

Buffalo
 Chicago

Steel Sheet Piling & Accessories—Con.

Pittsburgh
 Pacific Coast Ports

Strip Steel—Cold Rolled:

Chicago
 Cleveland
 Pittsburgh
 Worcester, Mass.
 Youngstown

Splice Bars for Light Rails:

Pittsburgh

Strip Steel—Commodity:

Pittsburgh
 Cleveland
 Youngstown
 Worcester

Strip Steel—Alloy:

Pittsburgh
 Bethlehem
 Buffalo
 Canton
 Chicago
 Massillon

Strip Steel—Hot Rolled:

Birmingham
 Chicago
 Cleveland
 Gary
 Middletown, Ohio
 Pittsburgh
 Youngstown
 Pacific Coast Ports

Structural Shapes:

Bethlehem
 Birmingham—Standard Shapes Only
 Buffalo
 Chicago (except ship sections not rolled)
 Gary (except ship sections not rolled)

Pittsburgh
 Gulf Ports
 Pacific Coast Ports

Tin Mill Black Plate:

Chicago
 Gary
 Granite City, Ill.
 Pittsburgh
 Pacific Coast Ports

Tin Plate and Terne Plate:

Chicago
 Gary
 Granite City, Ill.
 Pittsburgh

Tubing—Mechanical:

Canton
 Detroit
 Milwaukee
 Shelby
 Pittsburgh

Tubing—Pressure:

Pittsburgh

Twisted Barless & Barbed Wire:

Birmingham
 Chicago
 Cleveland
 Duluth
 Pittsburgh
 Pacific Coast Ports

Tube Rounds:

Chicago
 Cleveland
 Pittsburgh

Wire Rods:

Birmingham
 Chicago
 Cleveland

Wire Rods—Continued.

Pittsburgh
 Worcester, Mass.

Gulf Ports:

Galveston, Tex.
 Pacific Coast Ports:
 Los Angeles
 San Francisco
 Portland, Ore.
 Seattle, Wash.

Wire—Drawn (Includes Manufacturer's and Merchant Quality):

Birmingham
 Chicago
 Cleveland
 Glassport, Pa. (Hot copper covered steel only)

Duluth

Pittsburgh
 Worcester, Mass. (Manufacturer's wire only)

Pacific Coast Ports

Wire—Spring:

Chicago
 Cleveland
 Pittsburgh
 Worcester, Mass.
 Pacific Coast Ports

Wire—Telephone:

Cleveland
 Muncie, Ind.
 Pittsburgh
 Sparrows Point, Md.
 Trenton, N. J.
 Waukegan, Ill.
 Worcester, Mass.

Wire Fencing (except chain link):

Birmingham
 Chicago
 Cleveland
 Duluth
 Pittsburgh
 Pacific Coast Ports

Wire Hoops:

Chicago
 Pittsburgh

Wire Nails and Staples:

Birmingham
 Chicago
 Cleveland
 Duluth
 Pittsburgh
 Pacific Coast Ports

Pacific Coast Ports, except where otherwise enumerated are as follows:

Bellingham, Wash.
 Everett, Wash.
 Long Beach, Calif.
 Los Angeles, Calif.
 Oakland, Calif.
 Portland, Ore.
 Sacramento, Calif.
 San Diego, Calif.
 San Francisco, Calif.
 San Pedro, Calif.
 Seattle, Wash.
 Stockton, Calif.
 Tacoma, Wash.
 Wilmington, Calif.

Gulf Ports, except where otherwise enumerated are as follows:

Beaumont, Texas
 Galveston, Texas
 Houston, Texas
 New Orleans, La.
 Orange, Texas
 Port Arthur, Texas*

§ 1306.13 Appendix D: Export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941

PER GROSS TON		PER 100 POUNDS	
Products	Products	Products	Products
Bloomers, billets & slabs, sheet bars.....	\$37.00	Anglo splicco bars for heavy rails.....	\$3.92
Forging billets.....	42.00	Track spikes.....	3.32
Wire rods in coils.....	48.00	Skelp.....	3.35
Light rails (60 pounds and under).....	52.00	Plating.....	3.78
Heavy rails (over 60 pounds).....	54.15	Plates (carbon steel).....	2.60
Girders.....	55.00	Structural shapes (standard).....	2.85
		Merchant bars and bar mill shapes.....	2.85
		Concrete bars (new billet).....	2.85
		Cold finished carbon steel bars.....	2.85
		Hot rolled alloy bars.....	3.01
		Cold finished alloy bars.....	3.01
		Hot rolled carbon tool steel bars (Tennessee special).....	3.60
		Black annealed wire.....	3.30
		Galvanized plain wire.....	3.30
		Galvanized barbed wire.....	3.35
		Bright rail wire.....	3.08
		Wire nails.....	3.20
		Galvanized staples (incl. \$1.17 extra for galvanized).....	3.20
		Bright staples (including 72 cents extra for bright).....	3.34
PER BASE BOX		PER 100 POUNDS	
Tin plate 14" x 20" 107 pounds—112 sheets, wooden boxes—wire strapped.....	\$5.35	\$5.35	\$5.40
PER 100 POUNDS		PER 100 POUNDS	
Hot rolled sheets, 24 B. G. plain bundles (includes 90 cents for 100 lbs. G. plain bundles).....	\$3.25	Hot rolled sheets, 24 B. G. plain bundles (includes 90 cents for 100 lbs. G. plain bundles).....	\$3.25
Cold rolled sheets, 17 U. S. G. in 2-ton metal crates (includes 15 cents for packing).....	2.35	Cold rolled sheets, 17 U. S. G. in 2-ton metal crates (includes 15 cents for packing).....	2.35
Galvanized sheets, 24 B. G. in plain bundles.....	3.40	Galvanized sheets, 24 B. G. in plain bundles.....	3.40
Hot rolled strip.....	3.10	Hot rolled strip.....	3.10
Cold rolled strip.....	3.30	Cold rolled strip.....	3.30
PERCENT		PERCENT	
American standard pipe, black, T. & C. 1" to 3".....	67	American standard pipe, black, T. & C. 1" to 3".....	65
American extra strong pipe, black, plain ends, 1" to 3".....	56.2	American extra strong pipe, black, plain ends, 1" to 3".....	54.2
American extra strong pipe, black, plain ends, 1" to 3".....	55.5	American extra strong pipe, black, plain ends, 1" to 3".....	53.5
American double extra strong pipe, black, plain ends, 2" to 2 1/2".....	53.8	American double extra strong pipe, black, plain ends, 2" to 2 1/2".....	51.8
American double extra strong pipe, black, plain ends, 2" to 2 1/2".....	43	American double extra strong pipe, black, plain ends, 2" to 2 1/2".....	41
English gas tubes, black, T. & C. 3/8" to 6".....	167	English gas tubes, black, T. & C. 3/8" to 6".....	163 1/2
English gas tubes, galvanized, T. & C. 3/8" to 6".....	165	English gas tubes, galvanized, T. & C. 3/8" to 6".....	161 1/2
English steam tubes, painted, T. & C. 3/8" to 6".....	159	English steam tubes, painted, T. & C. 3/8" to 6".....	155 1/2
English steam tubes, galvanized, T. & C. 3/8" to 6".....	152	English steam tubes, galvanized, T. & C. 3/8" to 6".....	148 1/2
English steam tubes, galvanized, T. & C. 3/8" to 6".....	140	English steam tubes, galvanized, T. & C. 3/8" to 6".....	136 1/2

DISCOUNTS:
American standard pipe—off American list No. 6.
English gas tubes—off English list No. 3, converted 2 cents to the penny.
† South American markets.
‡ Other markets.

[§ 1306.13 as amended February 9, 1942, effective February 9, 1942; 7 F.R. 930]

§ 1306.14 Appendix E: Exceptions to Price Schedule No. 6. The following persons have been granted an exception under the terms of Price Schedule No. 6, which exception has been defined and limited in certain letters. All action

Name	Brief description of relief granted	Date granted
W. Ames & Company, Jersey City, N. J.	A. Plain carbon steel bars (merchant and reinforcing) 10 tons or over—\$2.35 cwt. f. o. b. mill. B. Bar size structural grade steel angles: 10 tons or over—\$3.10 cwt. f. o. b. mill. C. Railroad spikes: 200 kegs or more—to domestic railroad companies—\$3.25 cwt. f. o. b. mill or warehouse. 200 kegs or more—to other consumers—\$3.45 cwt. f. o. b. mill or warehouse.	July 8, 1941
Andrews Steel Company, Newport, Ky.	A. Carbon forging billets—\$50.00 gross ton at established basing points. B. Carbon steel slabs—\$41.00 per gross ton at established basing points. C. Galvanized sheets—\$3.75 cwt., at established basing points. D. Hot rolled sheets—shipments into Detroit and Detroit area may be based on Middletown, Ohio (nearest basing point).	July 23, 1941
Central Iron and Steel Company, Harrisburg, Pa.	A. Carbon steel plates—\$2.35 cwt., at established basing points, retroactive to April 17, 1941. A. Rail steel merchant bars—\$2.50 cwt., at established basing points, retroactive to April 17, 1941.	July 22, 1941
Eckels-Nye Steel Corporation, Syracuse, N. Y.	A. Carbon steel ingots—\$33.00 per gross ton, f. o. b. mill. B. Carbon steel sheet bars—\$30.00 per gross ton, f. o. b. mill.	Sept. 17, 1941
Empire Sheet and Tin Plate Co., Mansfield, Ohio.	A. Screen wire cloth (black) list less 48.00% (retroactive to April 17, 1941). To jobbers' stocks O/L list less 48.00% (retroactive to April 17, 1941). To jobbers' stocks L/O list less 48.00%.	Jan. 9, 1942
Gilbert & Bennett Mfg. Company, Georgetown, Conn.	B. Poultry netting, light grades: Galvanized before weaving. To jobbers' stocks O/L list less 41% To jobbers' stocks L/O list less 40% To jobbers' customers list less 40%.	Jan. 12, 1942
Granite City Steel Company, Granite City, Ill.	C. Heavy square mesh cloth: Quantities to 100 lineal feet, list less 10%. 200 or more lineal feet, list less 20%.	June 5, 1941
Phoenix Iron Co., Phoenixville, Pa.	D. Standard galvanized hardware cloth, per 100 square feet—\$3.20. A. Ship plates—\$2.25 cwt. f. o. b. mill.	May 1, 1941
Sweet's Steel Co., Williamsport, Pa.	A. Carbon steel shapes—\$2.30 cwt., at established basing points. B. Merchant bars—\$2.35 cwt., at established basing points, (both retroactive to April 17, 1941).	Aug. 20, 1941
Wheeling Steel Corp., Wheeling, W. Va.	A. Rail steel concrete reinforcing and merchant bars—\$2.33 cwt. f. o. b. mill. B. Rails (rail steel)—\$20.00 per gross ton f. o. b. mill. (both retroactive to April 17, 1941). A. 2" square base grader/rolling billets, standard lengths, 21,000 tons allocated under Lend-Lease program during first quarter of 1942—\$37.00 per gross ton, f. o. b. Portsmouth, Ohio.	Feb. 2, 1942

Issued this 16th day of April, 1941.

LEON HENDERSON,
Administrator.

Issued: 6 F.R. 2004. Codified and amended: 6 F.R. 3061. Sections renumbered and amended: 7 F.R. 785. Amended: 7 F.R. 930.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 7—COMBED COTTON YARNS AND THE PROCESSING THEREOF¹

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Stable operation of the cotton textile industry is essential to the production of commodities necessary for the defense of the nation and to the uninterrupted flow of goods to civilian consumers. An inflationary movement in the price of any basic material used in the manufacture of cotton textiles and related products raises costs of production for the entire industry. This necessarily jeopardizes the legitimate opportunities for profit of manufacturers in the field, makes it difficult and in some cases impossible for the trade to cooperate with the government in maintaining price stability, and increases the prices for which the public must pay for many basic necessities.

Recent months have seen a rapid advance in the price of combed yarns, which constitute an important raw material used in the manufacture of cotton textiles, garments, and other products. The increases which have taken place far exceed the current rise in manufacturing costs. Present price levels of combed yarns are, therefore, inflationary in character; they are the result of, and unless subjected to control, will lead to further speculative activity and withholding of yarn from the market.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, and after consultation with the Price Administration Committee, it is hereby directed that:

§ 1307.1 *Maximum prices for combed yarns and for mercerizing, bleaching, and gassing.* (a) On and after the applicable ceiling date, regardless of the terms of any contract of sale or purchase or other commitment (except as provided in Appendix A, incorporated herein as § 1307.12), no person shall sell, offer to sell, deliver or transfer combed yarn and no person shall buy, offer to buy, accept delivery of combed yarn, at prices higher than the applicable maximum prices set forth in Appendix A: *Provided*, That the provisions of Price Schedule No. 7 shall not apply to retail sales of combed yarn.

(b) On and after the applicable ceiling date, regardless of the terms of any contract or other commitment, no person shall charge and no person shall pay for the mercerizing, bleaching, and/or gassing of combed yarn, prices higher than the applicable maximum prices set forth in § 1307.12, Appendix A.*

*§ 1307.1 to 1307.12, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1307.2 *Less than maximum prices.* Lower prices than those set forth in § 1307.12, Appendix A, may be charged, demanded, paid, or offered.*

§ 1307.3 *Evasion.* (a) The price limitations set forth in Price Schedule No. 7 shall not be evaded whether by direct or

indirect methods in connection with a purchase, sale, delivery or transfer of combed yarn, or in connection with the mercerizing, bleaching, or gassing of combed yarn, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.12 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

§ 1307.4 *Records and reports.* (a) Every person making purchases or sales of combed yarn after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity and specifications of each kind or grade purchased or sold; (2) the quantity of combed yarn (i) on hand, and (ii) on order, as of the close of each calendar month; and (3) in the case of manufacturers (i) the quantity in pounds of each count of base-grade combed yarn manufactured during each calendar month and (ii) the quantity in pounds of each type of combed yarn, other than base-grade combed yarn, manufactured or sold during each calendar month, and the kind, grade, and staple of cotton used in each such type.

(b) Every person who, for a charge, mercerizes, bleaches, and/or gasses combed yarn after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, including (1) the name of the customer, (2) the date of the contract, (3) the count and ply of the yarn, (4) the service performed, and (5) the price charged.

(c) Persons affected by Price Schedule No. 7 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1307.5 *Details required in contract of sale and invoice.* (a) Every seller of combed yarn shall, with respect to every sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made, and (2) a full description of the yarn sold, including (i) the count, (ii) the ply, and (iii) where, in conformity with Price Schedule No. 7, a premium is charged, the feature of the yarn (including, when relevant, the kind of cotton used, the twist, and the put-up), of the packaging, or of the sale for which such premium is allowed.

(b) Every seller of combed yarn shall, with respect to each delivery thereof, transmit to the purchaser an invoice or

similar document which shall either contain the information required by paragraph (a) above or make reference to the contract in which such information is set forth.*

§ 1307.6 *Affirmations of compliance.* On or before March 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has purchased or sold combed yarn, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 107-2, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 7 or with any exception therefrom or modification thereof. Copies of Form 107-2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1307.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 7, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 7, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 7. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of combed yarn, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1307.8 *Modification of Price Schedule No. 7.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 7 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 7.*

§ 1307.9 *Definitions.* When used in Price Schedule No. 7, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Combed yarn" means grey and (unless otherwise specified) mercerized, gassed, and/or bleached combed cotton yarn of all qualities and specifications in numbers up to 120s, inclusive, and includes imported combed yarn;

(c) "Retail sales" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for

¹Title changed from "Combed Cotton Yarns" by amendment, February 2, 1942, effective February 3, 1942, 7 F.R. 708.

resale, or commercial user shall be considered an ultimate consumer;

(d) "Ceiling date" means the date, as specified in § 1307.12, Appendix A, upon which a given maximum price becomes effective;

(e) "For export" means to a person outside the United States, its territories and possessions;

Ply-----	Singles, two or three-ply
Twist-----	Regular or reverse
Turns per inch-----	
Yarns sold as singles-----	2.75 to 3.74, inclusive, times the square root of the yarn number
Yarns sold after plying-----	
Single twist-----	2.75 to 3.74, inclusive, times the square root of the yarn number
Plied twist-----	Up to 3.74, inclusive, times the square root of the number of the single yarn equivalent
Put-up	
Singles-----	Open-wind cones of the following dimensions: Yarn diameter at base 5" to 7", inclusive Traverse: 5½" to 6½", inclusive; on Open-wind parallel tubes of the following dimensions: Yarn diameter: 4" to 7", inclusive Traverse: 5½" to 6½", inclusive; or Round-tied skeins
Plied-----	Cones and tubes of the above descriptions; or Quiller warps; or Round-tied skeins
Cotton content-----	American cotton which, according to the respective count, does not exceed the following staple lengths: 10s to 24s, inclusive 1½" 25s to 30s, inclusive 1½" 31s to 44s, inclusive 1½" 45s to 55s, inclusive 1½" 56s to 70s, inclusive 1½" 71s to 80s, inclusive 1½" 81s to 90s, inclusive 1½" 91s to 100s, inclusive 1½" 110s to 120s, inclusive 1½"

(h) "American cotton" includes all cotton grown in the United States except Sea Island, Pima, and SXP cotton;

(i) "Producer" includes a person who mercerizes, bleaches, and/or gasses combed yarn, whether for sale or on commission;

(j) "Purchaser" includes a person for whom a producer mercerizes, bleaches, and/or gasses combed yarn on commission.*

§ 1307.10 *Effective date of Price Schedule No. 7.* This Schedule (§§ 1307.1 to 1307.8, inclusive) became effective May 26, 1941.

§ 1307.11 *Effective dates of amendments.* (a) The amendment issued June 19, 1941, adding § 1307.1 (c) and amending § 1307.7 became effective as of May 26, 1941.

(b) The amendment issued July 19, 1941, amending § 1307.1 (a) and § 1307.7, became effective July 21, 1941.

(c) The amendment issued August 1, 1941, amending § 1307.7, became effective as of July 21, 1941.

(d) The amendment issued December 24, 1941, amending § 1307.7, became effective December 24, 1941.

(e) The amendment issued January 5, 1942, amending § 1307.7 (b) (3), became effective as of December 24, 1941.

(f) The amendment issued January 21, 1942, amending § 1307.7 (b) (3), became effective as of January 14, 1942.

[The above amendments were superseded by (g) below.]

(g) The amendment issued February 2, 1942, revising the entire Price Schedule No. 7, shall be effective February 3, 1942.

(f) "Spot cotton price" means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 1½-inch cotton on 10 designated spot markets.

(g) "Base-grade yarn" means grey combed yarn of all qualities falling within the following specifications:

ducer, the maximum prices established herein include freight up to one cent per pound to the purchaser's place of business. The producer may require the purchaser to pay any freight in excess of one cent per pound. If the producer does not pay the freight, the maximum price shall be that shown herein less freight (up to one cent per pound) at the lowest published rate. In the case of sales or deliveries for export, if export is by sea, the seaport from which the yarn is shipped, or, if export is overland, the point at which the yarn leaves the United States, shall be regarded as the purchaser's place of business.

(ii) *Sales and deliveries of stock yarn.*¹ As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

(2) *Discounts and commissions.* The maximum prices established by Price Schedule No. 7 are gross prices before any discounts are deducted and they include all commissions.

The maximum prices for combed yarns (as distinguished from those for commission mercerizing, bleaching, and/or gassing) established in paragraph (d) below, shall be discounted by 2 per cent where payment is made within 30 days of delivery.

(c) *Maximum prices for grey combed yarns covered by contract of sale prior to December 24, 1941.* Grey combed yarns of the following specifications which, prior to December 24, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below.

*Prices per Pound for Grey Combed Peeler Yarns*²

Yarn Nos.	Single	2-ply
10s-----	\$0.385	\$0.425
12s-----	.39	.43
14s-----	.395	.435
16s-----	.40	.44
18s-----	.405	.445
20s-----	.41	.45
24s-----	.42	.46
26s-----	.43	.47
30s-----	.44	.48
32s-----	.45	.49
36s-----	.46	.50
40s-----	.47	.51
44s-----	.48	.52
48s-----	.49	.53
52s-----	.50	.54
56s-----	.51	.55
60s-----	.52	.56
64s-----	.53	.57
68s-----	.54	.58
72s-----	.55	.59
76s-----	.56	.60
80s-----	.57	.61
84s-----	.58	.62
88s-----	.59	.63
92s-----	.60	.64
96s-----	.61	.65
100s-----	.62	.66
104s-----	.63	.67
108s-----	.64	.68
112s-----	.65	.69
116s-----	.66	.70
120s-----	.67	.71

¹ As used in Price Schedule No. 7, the term "stock yarn" means combed yarn owned by a person independent of the producer thereof and stored in space (1) belonging to or leased by such person and (2) located within 25 miles of his principal place of business; the term "independent" means not controlling, controlled by, or under common control with.

² The above prices apply only to grey combed cotton yarns of ordinary commercial quality. For yarns with excess twist, reverse twist, three or more ply, high break, or requiring the use of extra length American cotton, Prima cotton, Egyptian cotton, or Sea Island cotton, a premium over the above prices may be charged to cover the additional cost involved in manufacturing these special qualities.

§ 1307.12 *Appendix A: Maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof—(a) Arrangement of appendix.* Paragraph (b) sets forth the terms of sale and of delivery to be observed in connection with the maximum prices established in Price Schedule No. 7.

Paragraph (c) recapitulates the maximum prices established for grey combed yarns prior to December 24, 1941. Grey combed yarns delivered against contracts entered into prior to that date are subject to these maximum prices.

Paragraph (d) contains maximum prices applicable to (1) all sales and deliveries of single, two and three-ply grey combed yarns except (i) deliveries against contracts entered into prior to December 24, 1941, and (ii) sales (and deliveries in pursuance thereof) made between said date and February 2, 1942, inclusive, of such yarns to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman; (2) all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached, and/or gassed combed yarns on or after February 3, 1942; and (3) all contracts for commission mercerizing, bleaching, and/or gassing entered into on or after February 3, 1942 and all deliveries after that date of yarn mercerized, bleached, and/or gassed on commission.

[Paragraph (a) as amended February 7, 1942, effective February 3, 1942; 7 F.R. 904.]

(b) *Terms of sale—(1) Freight; (i) Sales and deliveries by producers.* As applied to sales and deliveries by the pro-

The maximum prices set forth above are not applicable to deliveries of grey combed yarn which is to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman: *Provided*, That yarn delivered for export shall not subsequently be sold or delivered for use within the territory of the United States at more than the maximum prices set forth above.

The maximum prices set forth above have been effective since July 21, 1941,* which constitutes the ceiling date therefor.

(d) *Maximum prices for combed yarns not covered by contract prior to December 24, 1941, and for mercerizing, bleaching and/or gassing*—(1) *Applicability of maximum prices in paragraph (d)*. The maximum prices established in paragraph (d) apply to all sales and deliveries of single, two and three-ply grey combed yarns on and after December 24, 1941, except (i) deliveries against contracts entered into prior to December 24, 1941, and (ii) sales (and deliveries in pursuance thereof) made between said date and February 2, 1942, inclusive, of such yarns to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman; to all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached, and/or gassed combed yarns on or after February 3, 1942; and to all contracts for and deliveries against contracts for commission mercerizing, bleaching, and/or gassing of combed yarn after February 3, 1942.

[Paragraph (d) (1) as amended February 7, 1942, effective February 3, 1942; 7 F.R. 904]

(2) *Determination of maximum price for combed yarns*. The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of combed yarn shall be determined from the tables in (3) below, as qualified by (4) below, in the following manner:

(i) *Offer to buy or sell*. By the spot cotton price of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 7;

(ii) *Sale or contract of sale*. By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer*.⁴ By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.

(3) *Tables of maximum prices for combed yarns*. For a yarn number intermediate between any two appearing in Table I or in Table II, the maximum price shall be that price obtained from these tables by interpolation in accordance with the respective yarn numbers.

TABLE I—Yarn numbers up to 50s

Yarn Nos.	Singles	Plied
10s and under.....	38	41
12s.....	38.5	41.5
14s.....	39	42
16s.....	39.5	42.5
18s.....	40	43
20s.....	40.5	44
22s.....	41	45
24s.....	42	46
26s.....	43	47
28s.....	44	48
30s.....	45	49
32s.....	46	50.5
34s.....	47	52
36s.....	48.5	53.5
38s.....	50	55
40s.....	51.5	57
42s.....	53	59
44s.....	55	61
46s.....	57	63
48s.....	59	65

The above prices shall be adjusted as follows in accordance with the spot cotton price:

Spot cotton price (cents per pound—all numbers inclusive)	Adjustment (cents per lb.)
14.38 to 14.77.....	Deduct 2.
14.78 to 15.17.....	Deduct 1½.
15.18 to 15.58.....	Deduct 1.
15.59 to 15.98.....	Deduct ½.
15.99 to 16.38.....	None.
16.39 to 16.79.....	Add ½.
16.80 to 17.19.....	Add 1.
17.20 to 17.59.....	Add 1½.
17.60 to 18.00.....	Add 2.
18.01 to 18.40.....	Add 2½.
18.41 to 18.80.....	Add 3.
18.81 to 19.20.....	Add 3½.
19.21 to 19.61.....	Add 4.
19.62 to 20.01.....	Add 4½.

TABLE II—Yarn numbers 50s and above
(Cents per pound)

Yarn Nos.	Singles	Plied
50s.....	61	67
52s.....	63	69
54s.....	65	71
56s.....	67	73
58s.....	69	75.5
60s.....	71	78
62s.....	73	80
64s.....	75	82
66s.....	77	84
68s.....	79	86.5
70s.....	81	89
72s.....	83	91
74s.....	85	93
76s.....	87	95
78s.....	89	97

⁴ Except as is otherwise provided herein, this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

TABLE II—Yarn numbers 50s and above—Continued

Yarn Nos.	Singles	Plied
80s.....	91	99
82s.....	93	103
84s.....	95	107
86s.....	100	112
90s.....	108	120
100s.....	128	142
110s.....	153	164
120s.....	183	198

The above prices shall be adjusted as follows in accordance with the spot cotton prices:

Spot cotton price (cents per pound—all numbers inclusive)

Spot cotton price (cents per pound—all numbers inclusive)	Adjustment (Cents per lb.)
14.53 to 14.89.....	Deduct 2.
14.90 to 15.25.....	Deduct 1½.
15.26 to 15.62.....	Deduct 1.
15.63 to 15.98.....	Deduct ½.
15.99 to 16.35.....	None.
16.36 to 16.71.....	Add ½.
16.72 to 17.08.....	Add 1.
17.09 to 17.44.....	Add 1½.
17.45 to 17.81.....	Add 2.
17.82 to 18.17.....	Add 2½.
18.18 to 18.54.....	Add 3.
18.55 to 18.90.....	Add 3½.
18.91 to 19.27.....	Add 4.
19.28 to 19.63.....	Add 4½.
19.64 to 20.00.....	Add 5.

(4) *Premiums*. Where applicable, the premiums set forth below may be charged in addition to the maximum prices set forth in (3) above.

No premiums may be charged for any combed yarn except as permitted herein.

(i) *Export packaging*. For yarns in waterproof packaging to be exported by sea, a premium of one cent per pound may be charged.

(ii) *Export sales*. A premium of 5 per cent may be charged by the producer for combed yarns sold for export.⁵

Persons other than the producer, and independent⁶ of him, may charge for yarns sold for export a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.

(iii) *Jobbers*. A jobber⁷ who is independent⁸ of the producer may:

(a) Sell broken-case lots of combed yarn in quantities of 1,500 pounds or less per calendar month to a given customer at a premium of 10 percent, and in quantities in excess thereof (but not exceeding 15,000 pounds in any calendar month to all his customers) at a premium of 5 percent;

(b) Sell combed yarn in lots of 1 to 3 unbroken cases at a premium of 5

⁵ See § 1307.9 (c) for definition of "for export".

⁶ See footnote 1 for definition of "independent".

⁷ As used herein, "jobber" means a person at least 75 percent of whose sales of combed yarn during the calendar month preceding any given transaction consisted of stock-yarn sales. See footnote 1 for definition of "stock yarn."

⁸ See footnote 1.

* 6 F.R. 2561, May 24, 1941; 6 F.R. 3010, June 20, 1941; 6 F.R. 3593, July 22, 1941; 6 F.R. 3864, August 2, 1941.

percent: *Provided*, That he may not avail himself of this premium in connection with sales in any calendar month in excess of (1) 3,000 pounds to the same customer or (2) 20,000 pounds to all his customers.

(iv) *High twist*. For turns per inch exceeding the range provided for in the specifications for base-grade yarns, premiums may be charged in accordance with the following tables:

Single Twist

[All numbers herein inclusive]

Yarn Nos.	Multiples ¹ 3.75 to 4.24	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiples 5.25 and up
Cents per pound				
Up to 30s.....	.20	.60	.95	1.35
31s to 40s.....	.30	.85	1.35	1.90
41s to 50s.....	.40	1.20	2.00	2.75
51s to 60s.....	.55	1.60	2.65	3.75
61s to 70s.....	.70	2.05	3.40	4.80
71s to 80s.....	.85	2.55	4.20	5.90
81s to 90s.....	1.00	3.05	5.10	7.10
91s to 100s.....	1.20	3.60	6.00	8.40
101s to 120s.....	1.65	4.90	8.15	11.40

¹ As used in this Table "multiple" means the quotient of the number of turns per inch divided by the square root of the yarn number.

Plied twist²

[All numbers herein inclusive]

Yarn Nos.	Multiples ² 3.75 to 4.24	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiples 5.25 and up
Cents per pound				
Up to 30s.....	0.35	0.60	0.65	0.75
31s to 40s.....	.50	.70	.85	1.05
41s to 50s.....	.70	.85	1.05	1.20
51s to 60s.....	.90	1.15	1.40	1.60
61s to 70s.....	1.15	1.60	1.75	2.05
71s to 80s.....	1.45	1.80	2.20	2.55
81s to 90s.....	1.75	2.20	2.65	3.10
91s to 100s.....	2.10	2.60	3.10	3.60
101s to 120s.....	2.70	3.15	3.60	4.05

¹ If the single, as well as the plied, twist of a plied yarn exceeds that provided for in the base-grade specifications, the applicable premium set forth in the "Single Twist" Table, above, may be charged in addition to the premium for plied twist set forth herein.

² As used in this Table, "multiple" means the quotient of the number of turns per inch divided by the square root of the number of the single-yarn equivalent of the plied yarn.

(v) *Put-up*. For yarns in the following put-ups, premiums may be charged as indicated.

Put-up	Yarn Nos.	Premium
<i>Cents per lb.</i>		
Perforated dye tubes:		
Without socks.....	10s to 50s.....	1.00
	51s to 120s.....	2.00
With socks.....	10s to 50s.....	2.00
	51s to 120s.....	3.00
Cross-tied skeins.....	10s to 50s.....	.50
	51s to 120s.....	1.00
	21s to 80s.....	2.00
	81s to 120s.....	3.00

(vi) *Special yarns for defense*. The premiums set forth below may be charged for yarn of the following constructions: *Provided*, That (a) the yarn is made for use in the manufacture of products to meet the specification named below opposite the construction

of the yarn sold; (b) the purchaser of the yarn shall certify in writing to the seller, before any delivery is made, that the yarn is to be so used; and (c) yarns entitled to carry any of the premium set forth below shall not be eligible for any other premium established by Price Schedule No. 7.

Yarn construction	When made for use in products to meet	Allowable premium (cents per pound)
17/1	Army Specification P. Q. D. No. 1 (Wind Resistant Cotton Cloth), December 13, 1940.	5.25
20/1	do.	5.25
40/2	do.	8.75
12/1	Type I or II, Army Specification P. Q. D. 33-A (Cloth, Cotton, Uniform, Twill), December 9, 1941.	5.25
24/2	do.	13.00
36/2	do.	10.25
40/2	Type I Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941.	4.00
55/1	Type II Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941.	10.25
60/2	Type III Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941.	4.00

(vii) *Mercerized, bleached, and/or gassed yarns*. For combed yarns which are mercerized, bleached, and/or gassed, premiums may be charged as follows: ³

Premiums for mercerized, bleached, and/or gassed yarns maximum prices for mercerizing, bleaching, and gassing
[Cents per pound]

Yarn Nos. (inclusive)	Single Yarns		Plied Yarns		
	Mercerizing ¹	Bleaching ²	Mercerizing ¹	Bleaching ²	Gassing ³
20s and below.....	28	12	15	7	3
21s to 30s.....	29	13.5	16.75	8	3
31s to 40s.....	31	15.25	18.5	9	3
41s to 50s.....	33.5	17	20	9	4
51s to 60s.....	38	19	21	9	4
61s to 70s.....	43	21.25	23	10	5
71s to 80s.....	49	23.5	27	11	7
81s to 90s.....	55	27.5	32.5	12	8
91s to 120s.....	62	30.5	40	12	9

¹ Includes quilling and winding.

² Includes winding from bobbins to springs and from springs to cones.

³ No extra charge is allowable for quilling or winding.

(viii) *Other premium yarns; reports on sales thereof*. A premium may be charged for (a) combed yarns in put-ups or of plies other than, or of twist slacker than, those provided for in the specifications for base-grade yarn and (b) combed yarns which, in order to meet breaking-strength requirements reasonably related to the use to which they are

³ The premiums set forth herein for mercerized, bleached, and/or gassed combed yarns also constitute maximum prices for mercerizing, bleaching and/or gassing of combed yarn.

The maximum prices established in this Price Schedule do not apply to unmercerized bleached plied combed yarn or to the bleaching of plied combed yarn except in conjunction with the mercerizing thereof.

to be put, are made with American cotton of staple lengths greater than those provided for in the specifications for base-grade yarn or of Sea Island, SXF, Pima, or Egyptian cotton: *Provided*, That such premium shall not exceed the difference in value of materials and in production costs between such yarn and the most nearly comparable yarn for which a specific maximum price is established in this Schedule.

On or before March 10, 1942, and on or before the 10th day of each month thereafter every person who during the preceding calendar month has sold 5,000 pounds or more of combed yarn of his own manufacture at a premium permissible under (a) or (b) above, shall file with the Office of Price Administration a report of such sales on Form No. 107:3.

(5) *Ceiling date*. The maximum prices established in Paragraph (d) for single, two and three-ply grey combed yarns shall be effective as of December 24, 1941, which shall constitute the ceiling date for such prices.

The maximum prices established in Paragraph (d) for grey combed yarns of four or more ply; for mercerized, bleached, and/or gassed combed yarns; and for mercerizing, bleaching, and/or gassing, shall become effective February 3, 1942, which shall constitute the ceiling date for such prices.*

Issued this 23d day of May 1941.¹⁰

LEON HENDERSON,
Administrator.

PART 1308—SCRAP AND SECONDARY MATERIALS CONTAINING NICKEL

REVISED PRICE SCHEDULE NO. 8—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, NICKEL STEEL SCRAP AND OTHER SCRAP MATERIALS CONTAINING NICKEL; SECONDARY MONEL INGOT, SECONDARY MONEL SHOT, AND SECONDARY COPPER-NICKEL SHOT

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

Due to the needs of the defense program, the demand for primary nickel, primary materials containing nickel, and for scrap and secondary materials containing nickel, has increased to the extent that the available supplies of such materials are insufficient to satisfy the total defense and civilian demand. As a consequence, inflationary pressure has been exerted upon the prices of such scrap and secondary materials causing their prices to rise greatly in excess of levels which are in proper relation to the price levels of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. All this has made it difficult, and in some cases impossible for the trade to cooperate with the Government in maintaining price stability.

¹⁰ Issued: 6 F.R. 2561. Corrected: 6 F.R. 3086. Amended: 6 F.R. 3010. Amended: 6 F.R. 3593. Amended: 6 F.R. 3864. Amended: 6 F.R. 6767. Amended: 7 F.R. 121. Corrected: 7 F.R. 121. Amended: 7 F.R. 474. Sections renumbered and amended: 7 F.R. 708. Amended: 7 F.R. 904. Corrected: 7 F.R. 975.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1308.1 *Maximum prices on sales of pure nickel scrap, monel metal scrap, stainless steel scrap, nickel steel scrap, and other scrap materials containing nickel.* On and after June 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1308.3 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, to any other person, pure nickel scrap, ferro-nickel-chrome-iron scrap, ferro-nickel-iron scrap, monel metal scrap, cupro-nickel alloy scrap, stainless steel scrap, or nickel steel scrap, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1308.10. No person shall buy, or offer to buy, or accept delivery of, such scrap materials from any person at higher prices. Lower prices than those set forth in § 1308.10, Appendix A, may, however, be charged, demanded, paid, or offered.*

*§§ 1308.1 to 1308.11, inclusive, issued pursuant to the authority contained in Executive Orders 8734, 8875, 6 F.R. 1917, 4483.

§ 1308.2 *Maximum prices on sales of secondary monel ingot, secondary monel shot and secondary copper-nickel shot.* On and after June 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1308.3 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, to any other person, secondary monel ingot, secondary monel shot, or secondary copper-nickel shot, at prices higher than the maximum prices set forth in Appendix B, incorporated herein as § 1308.11. No person shall buy, or offer to buy, or accept delivery of, such secondary materials at higher prices. Lower prices than the prices set forth in § 1308.11, Appendix B, may, however, be charged, demanded, paid, or offered.*

§ 1308.3 *Permission to carry out contracts.* Any person seeking permission to carry out a contract of sale or purchase, or other commitment, entered into prior to May 30, 1941, and calling for the delivery, after May 30, 1941, of any of the scrap or secondary materials described in Appendix A or B (§ 1308.10, § 1308.11) at prices higher than the maximum prices set forth in the Appendices, may apply for such permission in writing upon forms available upon request made to the Office of Price Administration, Washington, D. C. Permission will be granted if necessary to protect such person against loss in the disposition of inventory already acquired at prices higher than the established maximum prices. Permission, therefore, may be obtained only if such scrap or secondary materials, in quantities sufficient to carry out such contract or commitment, were acquired at prices higher than the established maximum prices, and held on May 30, 1941, by (a) the person seeking such permission, and (b) any other person,

for delivery to the person seeking such permission, under a firm commitment entered into prior to May 30, 1941.*

§ 1308.3a *Imports.* §§ 1308.1 and 1308.2 apply to import of any of the scrap or secondary materials described in Appendix A or B (§§ 1308.10, 1308.11). However, any person who imports such materials may apply for permission to sell such materials at prices higher than the maximum prices set forth in the Appendices. Such permission shall be applied for in writing upon forms available upon request made to the Office of Price Administration, Washington, D. C. Permission will not be granted unless:

(a) the applicant has purchased the imported materials at prices not exceeding the maximum prices set forth in Appendix A or B (§§ 1308.10, 1308.11); and

(b) the prices at which the applicant seeks to sell the imported materials are approved by the Office of Price Administration. The Office of Price Administration will not approve the sale of imported scrap materials containing nickel at prices which exceed the delivered cost of the materials to the applicant plus the premiums allowed a converter on sales of the particular kind or grade of scrap material involved, as set forth in Appendix A, § 1308.10; and

(c) the prospective consumer of the imported materials is disclosed.*

[§ 1308.3a added by amendment June 25, 1941; effective June 25, 1941; 6 F.R. 3154]

§ 1308.4 *Evasion.* The price limitations set forth in the regulations in Price Schedule No. 8 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale or transfer at a price, of the scrap or secondary materials described in Appendix A or B, (§§ 1308.10, 1308.11), or in connection with a purchase, sale, or transfer at a price of any other materials, or by way of any service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1308.5 *Record-keeping requirements.* Every person purchasing or selling the scrap or secondary materials described in Appendices A or B (§§ 1308.10, 1308.11), shall, until such time as further information is deemed necessary or appropriate hereunder, keep for inspection by the Office of Price Administration and preserve for a period not less than one year, complete and accurate records of:

(a) every purchase and sale of such scrap or secondary materials, showing the name and address of the person from or to whom each such purchase or sale was made, the date thereof, the price paid or received, and the quantity, in pounds or tons, of each kind or grade purchased or sold; and

(b) the quantity, in pounds or tons, of such scrap materials and, separately, the quantity, in pounds or tons, of such secondary materials (1) on hand, and (2) on order, as of the close of each month.*

§ 1308.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, and

other provisions contained in the regulations in Price Schedule No. 8, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in the regulations in Price Schedule No. 8, this Office will make every effort to assure (a) that the Congress and the public are fully informed of any failure to abide by the provisions of the regulations in Price Schedule No. 8; and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interest of those persons who conform with the regulations in Price Schedule No. 8 in the maintenance of the ceiling prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or of any evasion of or effort to evade such requirements, or of speculation, or manipulation of prices of the scrap and secondary materials, for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1308.7 *Supplemental schedule and reporting requirements.* In order to insure compliance with the regulations in Price Schedule No. 8 supplements further stating its scope and, if necessary, requiring reports to the Government, will be issued from time to time when found appropriate.*

§ 1308.8 *Modification of Price Schedule No. 8.* Persons complaining of hardship or inequity in the operation of the regulations in Price Schedule No. 8 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1308.9 *Definitions.* When used in Price Schedule No. 8, the term:

(a) "Person" includes an individual, partnership, association, corporation or other business entity.

(b) "Maker" of the scrap materials set forth in § 1308.10, Appendix A, paragraph (a), of Price Schedule No. 8 means the person who first sells, offers for sale, or delivers such scrap materials such as (1) any manufacturer or fabricator, who, as an incident to his manufacturing process, fabricating or other industrial uses, produces such scrap materials, or (2) any person who, in his business or as an incident to his business, demolishes or dismantles structures, machinery, vehicles or equipment and removes such scrap materials therefrom for the purpose of sale.*

[§ 1308.9 as amended September 5, 1941; effective September 6, 1941; 6 F.R. 4634]

§ 1308.10 *Appendix A: Maximum prices for pure nickel scrap, monel metal scrap, nickel steel scrap, stainless steel scrap, and other scrap materials containing nickel.*

INTRODUCTORY

Maximum prices herein established are for the principal kinds or grades of the scrap materials. All other kinds or grades, which are not specified, should be sold at their normal differentials from such principal kinds or grades. Moreover, the maximum prices are established

for scrap which meets generally accepted maximum standards in the trade—as, for instance, the Standard Classification for Old Metals of the National Association of Waste Material Dealers, Inc., contained in its Circular O, effective as of June 1, 1940. Scrap which fails to meet such standards should be sold at their normal differentials below the established maximum prices.

(a) *Pure nickel scrap, ferro-nickel-chrome-iron scrap, ferro-nickel-iron scrap, monel metal scrap and cupro-nickel alloy scrap.* The maximum prices established for the kinds and grades of scrap materials set forth in this paragraph, apply on sales of scrap, unsuitable and unprepared for industrial consumption. A converter of such scrap materials, as hereinafter defined, may receive, in addition to the maximum prices set forth below, a stated maximum premium for scrap which he has converted. A "converter" of such scrap materials is defined for the purposes of Price Schedule No. 8, as any person, other than a maker of such scrap materials, who:

(1) Sells scrap directly to a consumer thereof; and,

(2) By chemical test or assay, determines the metal constituents of the scrap; and,

(3) On that basis, sorts, grades, treats, packages or briquettes by power press, and otherwise prepares, the scrap, making it suitable for direct industrial consumption; and

(4) Guarantees the delivery of scrap in an agreed amount and analysis.

Unless such person satisfies the four criteria, set forth above, he may not receive a converter's premium. His scrap must not be sold at a price higher than the maximum prices set forth below.

Furthermore, a converter or any other person may receive, in addition to the maximum prices set forth below, a premium of a stated maximum amount on shipments of a specified quantity of material.

Kind or grade of scrap material Price, f. o. b. point of shipment

PURE NICKEL SCRAP

Containing 98% or more nickel and not more than 1/2% copper. 26¢ per pound of material.

Containing 90% up to 98% nickel. 26¢ per pound of nickel contained; no payment for any other metals contained.

Converter's Premium... 2¢ per pound of material.

Premium on shipments of 2,000 pounds or more of material at one time. 1/2¢ per pound of material.

FERRO-NICKEL-CHROME-IRON SCRAP

Containing 20% up to 90% nickel. 26 1/2¢ per pound of nickel contained; 8¢ per pound of chrome contained; no payment for any other metals contained.

Converter's Premium... 1 1/2¢ per pound of material.

Premium on shipments of 10,000 pounds or more of material at one time. 1/2¢ per pound of material.

FERRO-NICKEL-IRON SCRAP

Containing 14% up to 90% nickel and no chrome. 26 1/2¢ per pound of nickel contained; no payment for any other metals contained.

Converter's Premium... 1 1/2¢ per pound of material.

Premium on shipments of 10,000 pounds or more of material at one time. 1/2¢ per pound of material.

MONEL-METAL SCRAP

New Monel Metal Clippings. 20¢ per pound of material.

Soldered Monel Metal Sheet. 18¢ per pound of material.

No. 1 Grade Monel Castings and Turnings. 15¢ per pound of material.

Containing a minimum of 60% nickel, 30% copper, and not more than 3% free iron, clean and dry. Converter's Premium... 2¢ per pound of material.

Premium on shipments of 20,000 pounds or more of material at one time. 1/2¢ per pound of material.

CUPRO-NICKEL ALLOY SCRAP

Containing 90% or more combined nickel and copper. 26¢ per pound of nickel contained; 8¢ per pound of copper contained; no payment for any other metals contained.

Containing less than 90% combined nickel and copper. 26¢ per pound of nickel contained; no payment for any other metals contained.

Converter's Premium... 2¢ per pound of material.

Premium on shipments of 20,000 pounds or more of material at one time. 1/2¢ per pound of material.

(b) *Stainless steel scrap and nickel steel scrap.* In the event that a consumer of stainless steel scrap or nickel steel scrap shall employ an agent or broker to purchase such scrap for the consumer's use, the consumer may pay the agent or broker for such scrap a sum not exceeding the applicable maximum price set forth below plus a commission, in the case of stainless steel scrap, of not more than 5% of such maximum price, excluding the \$10 premium for briquetting, and in the case of nickel steel scrap, of not more than \$1 per gross ton.¹ The commission shall be payable only if (1) the agent or broker guarantees the quality and delivery of an agreed tonnage of the scrap; (2) the commission is shown as a separate charge in invoicing and billing; and (3) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the scrap.

Kind or grade of scrap material	Sheets, clippings, and solids ¹	Turnings and borings ¹
STAINLESS STEEL SCRAP		
18% CHROME—8% NICKEL TYPE		
Containing 16%—20% chrome and 7%—10% nickel. All other grades or types of chrome-nickel stainless steel scrap.	\$90 per gross ton ²	\$60 per gross ton. ²
	28¢ per pound of nickel contained; 9 1/2¢ per pound of chrome contained; no payment for any other metals contained.	\$30 per gross ton less than the applicable maximum price for sheets, clippings and solids. ²

¹ Price, f. o. b. point of shipment.

² Effective September 8, 1941.

The maximum prices set forth above apply on shipments of chrome-nickel type stainless steel scrap in carload lots. On shipments of such scrap in less than carload lots the applicable maximum price shall be \$10 per gross ton less than the applicable maximum price on carload lot shipments.² The minimum quantity making up a carload lot for the purposes of Price Schedule No. 8 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination. Such quantity may be made up of any kind or grade of stainless steel scrap, including both the chrome-nickel and the straight-chrome types. If delivery is made by truck, a carload lot shipment will be considered to have been made, for the purposes of Price Schedule No. 8, if the minimum quantity making up the carload lot is delivered to the buyer within two days after the first shipment of the lot is picked up by truck.

Kind or grade of scrap material	Sheets, clippings and solids ¹	Turnings and borings ¹
STRAIGHT-CHROME TYPE		
Containing 12%—14% chrome.	\$35 per gross ton.	\$30 per gross ton. ²
Containing 14%—18% chrome.	\$40 per gross ton.	\$35 per gross ton. ²
Containing over 18% chrome.	\$40 per gross ton plus 9 1/2¢ per pound for each pound of chrome in excess of 18%. ²	\$5 per gross ton less than the applicable maximum price for sheets, clippings and solids. ²

¹ Price, f. o. b. point of shipment.

² Effective September 8, 1941.

A maximum of \$10 per gross ton may be added to the maximum prices set forth above for sales of stainless steel scrap, both chrome-nickel and straight-chrome types, in the form of power-compressed briquettes (not bundles or bales) which are suitable without further preparation for direct charging into an electric furnace. There is no requirement that the briquette actually be charged into an electric furnace; it must merely be suitable for such charging even though it may be charged into another type furnace.

¹ The maximum commission of \$1 per gross ton in the case of nickel steel scrap shall become effective September 8, 1941.

² Effective September 8, 1941.

NICKEL STEEL SCRAP

The maximum price at which a grade of steel scrap containing less than 1% of nickel may be sold to a consumer shall be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised.

The maximum price at which a grade of steel scrap containing 1% or more nickel may be sold to a consumer shall be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised, plus \$1.00 per gross ton for each ¼ of 1% of nickel content.*

[§ 1308.10 as amended September 5, 1941, effective September 6, 1941; 6 F.R. 4634]

§ 1308.11 *Appendix B: Maximum prices for secondary monel metal ingot, secondary monel metal shot, and secondary copper-nickel shot.*

Kind or grade of secondary material:	Price, cents per pound, f. o. b. point of shipment
Monel Ingot.....	27
Monel Shot.....	27
Copper-nickel shot containing 48% to 52% Nickel and 52% to 48% copper and not more than ½% foreign materials.....	25½

The maximum prices set forth above apply if secondary monel ingot or shot, or secondary copper-nickel shot is sold, shipped, delivered, or carried away, in lots of 30,000 pounds or more; if sold and shipped, delivered, or carried away in lots of:

	Cents per pound may be added to such prices
10,000 up to 30,000 pounds.....	½
2,000 up to 10,000 pounds.....	1
1,000 up to 2,000 pounds.....	1½
500 up to 1,000 pounds.....	2
100 up to 500 pounds.....	2½
100 pounds.....	3½

[§ 1308.11 as amended September 5, 1941, effective September 6, 1941; 6 F.R. 4634]

Issued this 29th day of May 1941.*

[Effective June 2, 1941]

LEON HENDERSON,
Administrator.

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

REVISED PRICE SCHEDULE NO. 9—HIDES, KIPS AND CALFSKINS

[Issued by Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Cattle hides and kips and calfskins are the basic raw materials of the shoe and leather industry. Shoes and other leather products are purchased in large quantities by the War and Navy Departments. Defense industries use large

*The formula shall be applied in accordance with the following table:

1% up to 1.25% nickel content....	+\$4.
1.25% up to 1.50% nickel content....	+\$5.
1.50% up to 1.75% nickel content....	+\$6.
1.75% up to 2.00% nickel content....	+\$7.
2.00% up to 2.25% nickel content....	+\$8, etc.

*Issued: 6 F.R. 2654. Amended: 6 F.R. 3154, 4634.

quantities of industrial leather. Shoes are one of the most important single items in the average family clothing budget, and a substantial factor in the personal equipment of the military forces. Marked increases in shoe prices would be a serious threat to stability in the living costs of all members of the community. Accordingly, it is apparent that instability of hide and leather prices would be inimical to the general public welfare.

Since August, 1940, hide prices have risen steadily with only an occasional slight interruption in their upward trend. Shoe prices have been under pressure from hide prices. Beginning in February, 1941, this upward trend became so pronounced as to stimulate speculative buying of hides and skins, and forward buying of shoes and other leather products. On March 15th, in an effort to check this inflationary spiral, the Price Stabilization Division of the Advisory Commission to the Council of National Defense issued a general warning pointing out that the basic supply and demand factors did not justify increases in hide prices and attributing such increases to purely speculative influences. Despite this warning, hide prices in recent weeks have reached their highest level since 1928 with the exception of one week in 1937. These increased prices have been reflected in the latest bids on shoes for the Army and the Civilian Conservation Corps. Therefore, the War Department rejected all bids on 1,000,008 pairs of shoes for the Army and 283,816 pairs of shoes for the Civilian Conservation Corps.

It is apparent, therefore, that the public interest requires that maximum prices be established for hides, kips and calfskins.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, and after consultation with the Price Administration Committee, It is hereby directed that:

§ 1314.1 *Maximum price established for hides.* On and after June 16, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell or deliver, or offer to sell or deliver, any hides, whether for immediate or future delivery, and no person shall buy, or accept for delivery, any hides, whether for immediate or future delivery, at a price exceeding the maximum price set forth in Appendix A, incorporated herein as § 1314.11. Lower prices may, however, be charged, demanded, paid or offered.*

* §§ 1314.1 to 1314.15, inclusive, are issued pursuant to the authority contained in Executive Orders, Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1314.2 *Maximum prices established for kips and calfskins.* On and after June 16, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell or deliver, or offer to sell or to deliver, any kips or calfskins, whether for immediate or future delivery, and no person shall buy, or accept for delivery, any kips or calfskins, whether for immediate or future delivery, at a price exceeding the maximum prices set forth in Appendix

B, incorporated herein as § 1314.12. Lower prices may, however, be charged, demanded, paid or offered.*

§ 1314.3 *Completion of contracts made prior to June 16, 1941.* (a) Any person who has, prior to June 16, 1941, acquired hides, kips or calfskins at a price higher than the applicable maximum price set forth in § 1314.11 [Appendix A] or § 1314.12 [Appendix B] and prior to that date, entered into a firm commitment for the sale of such hides, kips or calfskins to any person, may, upon application to the Office of Price Administration as hereinafter provided, be permitted to deliver and accept payment for, such hides, kips or calfskins at the price contracted for, provided that deliveries are completed on or before August 15, 1941.

(b) Such application shall be made to the Office of Price Administration on or before July 15, 1941, on Application Form 109:1 set forth in Appendix C* which is incorporated herein as § 1314.13. Copies of Application Form 109:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons desiring to make application hereunder.*

§ 1314.4 *Commissions.* In the event that a seller of hides, kips or calfskins shall employ a broker to sell hides, kips or calfskins on his behalf, or in the event that a buyer shall employ a broker to buy, receive and ship hides, kips or calfskins on his behalf, a brokerage commission of not more than 3% of the purchase price may be charged for such services and added to the applicable maximum price established hereunder. A commission may not be charged to both buyer and seller. A commission shall be payable only if (a) it is shown as a separate charge in billing; (b) the hides, kips or calfskins are purchased or sold at a price not higher than the applicable maximum price established by Price Schedule No. 9; and (c) no broker splits or divides the commission with the buyer or with the seller, or with an agent or employee of the buyer or the seller.

In no case may any person charge or receive such a commission or fee on hides, kips or calfskins sold for his own account even though such person may have performed the receiving service or any other service for the buyer.

[§ 1314.4 as amended October 21, 1941, effective October 22, 1941; 6 F.R. 5428]

§ 1314.5 *Maintenance of customary channels of supply.* (a) Insofar as practicable, the purchase and sale of hides, kips and calfskins shall be made through the channels customarily utilized by dealers, collectors, brokers, packers, abattoirs, butchers and tanners in order to prevent dislocation of the machinery of collection, shipment and sale thereof and to insure to packers, abattoirs and butchers the customary markets for hides, kips and calfskins and to tanners the customary source of supply thereof.

*The provisions of § 1314.13, Appendix C, expired July 15, 1941, and the section was revoked by amendment February 3, 1942, effective February 4, 1942; 7 F.R. 764.

(b) Packers, abattoirs and butchers who are tanners of hides, kips or calfskins and who have also supplied tanners in the past, shall, to the greatest possible extent, continue to supply hides, kips or calfskins to such tanners in the same amounts and grades as they have customarily supplied in the past.*

§ 1314.6 *Records.* Every person who during any calendar month shall purchase or sell one carload or more of hides, kips or calfskins, whether for immediate or future delivery, shall keep for inspection by the Office of Price Administration, and preserve for a period of not less than one year, a complete and accurate record of every purchase or sale of hides, kips or calfskins made during such month and thereafter, including the names of the persons involved, the dates of the purchases or sales, the prices, and the quantity and grades of the hides, kips or calfskins so purchased or sold.*

§ 1314.7 *Reports.* On or before July 10, 1941, and on or before the 10th day of each month thereafter, every person who during the preceding calendar month has purchased, whether for immediate or future delivery, hides, kips or calfskins shall submit to the Office of Price Administration a report on Form 109:2 (set forth in Appendix D, which is incorporated herein as § 1314.14), in which shall be set forth a sworn statement that during such month all such purchases were made at prices in conformity with Price Schedule No. 9 or with any exception or modification thereof. Copies of Form 109:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit reports hereunder.

Buyers of hides, kips and calfskins shall submit such further reports as the Office of Price Administration may, from time to time, require.*

§ 1314.7a *Evasion.* The price limitations set forth in Price Schedule No. 9 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hides, kips or calfskins, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by upgrading, tying-agreement or other trade understanding, or otherwise.*

[§ 1314.7a added by amendment September 12, 1941, effective September 13, 1941; 6 F.R. 4736]

§ 1314.8 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, and other provisions contained in Price Schedule No. 9, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 9, the Office of Price Administration will make every effort to insure (a) that the Congress and the public are fully informed of any failure to abide by the provisions of Price Schedule No. 9, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interest of those

persons who conform with Price Schedule No. 9, in the observance of the maximum prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or any evasion of or effort to evade such prices, or of speculation, or of the hoarding or accumulation of unnecessary inventories of hides, kips or calfskins, are urged to communicate with the Office of Price Administration.*

§ 1314.9 *Modifications of Price Schedule No. 9.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 9 may apply to the Office of Price Administration for approval of any modification thereof or exception thereto.*

§ 1314.10 *Definitions.* (a) The term "person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "hides, kips or calfskins" means hides and skins of domestic cattle of the bovine species.

(c) The term "domestic" means originating from the continental United States.

(d) The term "broker" means any person who acts on behalf of a principal in connection with the collection, sale, purchase, receipt or shipment of hides, kips or calfskins.

(e) The term "carload" means a shipment of 36,000 pounds.

(f) The term "New York City trim" means the standard trim prevailing in and about New York City in which the skin has the head cut straight off behind the ears, and the shanks cut off at the knee or above.

(g) The term "Pacific Coast" means the states of California, Washington, Oregon, Arizona, Nevada, Idaho, and Utah, and that part of Montana, Wyoming, Colorado, and New Mexico west of Denver, Colorado.

(h) The term "Pacific Coast Trimmed" means the standard short trim prevailing in the Pacific Coast.

(i) All other trade terms used in Price Schedule No. 9 shall have the meanings generally accepted in the trade.*

[Paragraphs (f), (g), (h), and (i), added by amendment September 12, 1941, effective September 13, 1941; 6 F.R. 4736]

§ 1314.11 *Appendix A: Maximum prices for domestic hides—(a) Packer classifications—(1) Packer classifications sold on a selected basis.¹*

Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point	
	No. 1's	No. 2's
Native steers, heavy and light.....	\$0.15½	\$0.14½
Native steers, extreme light (23 to 48 lb.).....	.15½	.14½
Heavy native cows (53 lb. and up).....	.15½	.14½
Light native cows (less than 53 lbs.).....	.15½	.14½
Butt branded steers.....	.14½	.13½
Texas steers, heavy and light.....	.14½	.13½

¹ Paragraphs (a) and (b) of § 1314.11, Appendix A, do not apply to hides originating in the Pacific Coast.

	Price per lb., f. o. b. shipping point	
	No. 1's	No. 2's
Texas steers, extreme light (23 to 48 lb.).....	\$0.15	\$0.14
Colorado steers.....	.14	.13
Branded cows.....	.14½	.13½
Native bulls.....	.12	.11
Branded bulls.....	.11	.10

Packer classifications of hides which fail to meet established standards of trim, tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth above.

(2) *Packer classifications sold on an unselected basis.* The maximum prices for packer classifications of hides sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for No. 2's set forth above.

(b) *Other than packer classifications—(1) Hides other than packer classifications sold on an unselected basis.²*

	Price per lb., f. o. b. shipping point	
	Trimmed	Untrimmed ³
Free of brand steers and cows.....	\$0.15	\$0.14
Branded steers and cows.....	.14	.13
Free of brand bulls.....	.11½	.10½
Branded bulls.....	.10½	.09½

(2) *Premium for hides other than packer classifications sold on a selected basis.* A seller who does not grade his hides according to packer classification but who permits selection to be made according to standards prevailing for hides of packer classifications and who allows a one cent per pound discount for No. 2's may charge a premium of one-half cent per pound over the maximum prices set forth in this paragraph (b) above.

Tare Allowance

A tare allowance of not less than 2% shall be allowed on all sales of hides other than packer classifications.

(c) *Pacific coast hides.*

	Price per lb., f. o. b. shipping point	
	Trimmed	Untrimmed ³
Native and branded steers and cows, (flat for No. 1's and No. 2's).....	\$0.13½	\$0.12½
Native and branded bulls (flat for No. 1's and No. 2's).....	.10	.00

Tare Allowance

A tare allowance of not less than two pounds tare per hide shall be allowed on all sales of Pacific Coast hides.

(d) *Hides or skins sold in mixed lots.* When hides or skins are sold in lots containing more than one type or grade of hides, kips or calfskins for which maximum prices are established by Price Schedule No. 9, unless the quantity of each such type or grade is determined by actual inspection and separately priced at not exceeding the applicable maxi-

² The term "Untrimmed" as applied to hides, means hides without the standard head and tail trim prevailing on hides of packer classifications, in which the ears, ear butt fat and gristle, ox-lip, snouts and lower lips are trimmed off in the green state before salting and in which the tails are cut off to not more than eight inches in length.

mium, the maximum price for the lot shall be the maximum price for that type or grade of hide or skin included in the lot which has the lowest established maximum price.

[§ 1314.11 as amended, October 21, 1941, effective October 22, 1941; 6 F.R. 5428]

§ 1314.12 *Appendix B: Maximum prices for domestic kips and calfskins—*
(a) (1) *Packer calf and kipskins sold on a selected basis.*

No. 1 Selection, Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point
Chicago packer heavy northern (9½-15 lb.)	\$0.27
Chicago packer lights (less than 9½ lb.)	.23½
Packer kips, No. 1 northern native (15-30 lb.)	.20
Branded kips (30 lb. and down)	.17½
Slunks, regular	1.10
Slunks, hairless	1.55

Tare Allowance for Packer Calf and Kipskins

A tare allowance of not less than one-half pound per skin for packer calf (except slunks) and three-fourths pound per skin for packer kip shall be allowed on all sales of packer calf and kipskins.
(2) *Chicago city calf and kipskins sold on a selected basis.*

No. 1 Selection, Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point
Chicago City (10 to 15 lb.)	\$0.23
Chicago City (8 to 10 lb.)	.20½
Chicago City native kips (15 to 30 lb.)	.18
Chicago City branded kips (30 lb. and down)	.17

	Price per skin, f. o. b. shipping point
Chicago City (less than 8 lb.)	\$1.43

(3) *New York City packer and collector calf and kipskins sold on a selected basis.*

No. 1 Selection, New York City Trim—Standard Tare Allowance and Delivery

	Price per skin, f. o. b. shipping point
New York packer (3 to 4 lb.)	\$1.25
New York packer (4 to 5 lb.)	1.40
New York packer (5 to 7 lb.)	1.80
New York packer (7 to 9 lb.)	2.80
New York packer (9 to 12 lb.)	3.80
New York packer (12 to 17 lb.)	4.20
New York packer (17 lb. or more)	4.60
New York collector (3 to 4 lb.)	1.15
New York collector (4 to 5 lb.)	1.30
New York collector (5 to 7 lb.)	1.65
New York collector (7 to 9 lb.)	2.60
New York collector (9 to 12 lb.)	3.55
New York collector (12 to 17 lb.)	3.95
New York collector (17 lb. or more)	4.35

Calf and kipskins of the classifications set forth above which fail to meet established standards of trim, tare allowance or delivery for the type or grade sold, shall be sold at a price at least 2¢ per pound, or, when sold on a per skin basis, at least 20¢ per skin, less than the applicable maximum price set forth above.

*Each, flat for No. 1's and No. 2's.

Maximum prices for No. 2's. The maximum price for No. 2 calf and kipskins of the classifications set forth above shall not exceed the maximum price for each such classification reduced by a discount of 10%.

Maximum prices for skins not New York City trimmed. The maximum prices for calf and kipskins, other than Pacific Coast skins, which are not New York City trimmed, shall be the maximum prices established by Price Schedule No. 9 for Packer Calf and Kipskins, Chicago City Calf and Kipskins or Country Calf and Kipskins, whichever are applicable.

Maximum prices for skins sold on an unselected basis. The maximum prices for calfskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for No. 2's.

The maximum prices for kipskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for each such classification less 1¢ per pound.

When the quantity of No. 2's in any lot of skins sold is not determined by actual inspection or is based upon the buyer's or the seller's estimate thereof, the maximum price for the lot shall be the maximum price established by Price Schedule No. 9 for skins sold on an unselected basis.
(b) *Country calf and kipskins.*

	Price per lb., f. o. b. shipping point
Country calf (10 lb. and down)	\$0.16
Country calf (10 to 15 lb.)	1.18
Country kips (15 to 30 lb.)	1.16

(c) *Pacific coast calf and kipskins, standard tare allowance and delivery.*

	Price per lb., f. o. b. shipping point
Pacific coast kips (15 lb. or more)	\$0.19¼
Pacific coast New York City trimmed kips (15 lb. or more)	1.21
Pacific coast trimmed calf (6 to 13 lb.)	1.26
Pacific coast trimmed calf (13 to 15 lb.)	1.23½

	Price per skin, f. o. b. shipping point
Pacific coast calf (less than 6 lb.)	\$1.25

Pacific Coast Calf and Kipskins which fail to meet established standards of tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth above.

(d) *Hides or skins sold in mixed lots.* When hides or skins are sold in lots containing more than one type or grade of

*Flat for No. 1's and No. 2's.

*The maximum price of any calfskin originating in the Pacific Coast, but not Pacific Coast trimmed, shall not exceed 80% of the maximum price set forth above for Pacific Coast Trimmed Calf of corresponding weight except that (a) in the case of skins weighing less than six pounds, the maximum price of \$1.25 per skin shall apply to both trimmed and untrimmed skins, and (b) New York City trimmed calfskins originating in the Pacific Coast weighing 15 pounds or less may be sold by the skin at prices not exceeding the maximum prices established above for New York Collector skins.

hides, kips or calfskins for which maximum prices are established by Price Schedule No. 9, unless the quantity of each such type or grade is determined by actual inspection and separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type or grade of hide or skin included in the lot which has the lowest established maximum price.*

[§ 1314.12 as amended October 21, 1941, effective October 22, 1941; 6 F.R. 5428. Paragraph headed "Effective Date of This Amendment" was revoked by amendment November 3, 1941; 6 F.R. 5622]

§ 1314.13 *Appendix C, Form 109:1.* [Revoked]

[Revoked by amendment February 3, 1942, effective February 4, 1942; 7 F.R. 764]

§ 1314.14 *Appendix D: Report Form 109:2 for buyers of hides, kips or calfskins.*

OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF PRICE ADMINISTRATION

For the purpose of making a report as required by § 1314.7 of Price Schedule No. 9 of the Office of Price Administration, I have examined the purchase records for the month of _____, 1941, of _____

(Name of buyer) (Address)
of which concern I am _____
During that period the above-named concern has made no purchases for immediate or future delivery of hides, kips or calfskins at prices in excess of those established by the aforesaid Price Schedule No. 9.²

Subscribed and sworn to before me this _____ day of _____

(Signature)

(Notary Public)

My commission expires _____

§ 1314.15 *Effective dates of amendments.* (a) The amendments issued September 12, 1941, adding §§ 1314.7a and 1314.15 and amending §§ 1314.10, 1314.11 and 1314.12 shall become effective September 13, 1941: *Provided*, That firm commitments entered into prior to September 13, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9 prior to such amendments may be completed at contract prices: *Provided*, That all deliveries pursuant to such firm commitments are completed on or before November 15, 1941.

(b) The amendments issued October 21, 1941, amending §§ 1314.4, 1314.11 and 1314.12 shall become effective October 22, 1941: *Provided*, That firm commitments entered into prior to October 22, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9, as amended, but prior to the

*This report must be signed by the buyer or by a partner or officer of the buyer.

In the event that any purchases have been made at prices in excess of those established by Price Schedule No. 9 the text of the above should be suitably changed and a list should be appended hereto giving with respect to each such purchase the name of the seller, the date of the purchaser, the delivery date, the quantity and the reasons for exceeding the maximum price.

amendments issued October 21, 1941, may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before December 22, 1941.*

[§ 1314.15 added by amendment November 8, 1941; 6 F.R. 5622]

Issued this 13th day of June, 1941.†

[Effective June 16, 1941]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 10—PIG IRON

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

The Office of Price Administration is charged with maintenance of price stability and the prevention of undue price rises and price dislocations. Iron and steel scrap and Pig Iron are basic materials for the production of iron and steel products. By Price Schedule No. 4, revised² and Price Schedule No. 6, revised,³ respectively, price ceilings have been placed on iron and steel scrap and on iron and steel products. Recent wage increases and the increased demand for Pig Iron resulting from the national defense emergency have been exerting pressure upon the price structure, causing the prices of certain grades and kinds of Pig Iron to be increased. In the interest of national defense and the public interest a price ceiling is necessary. On the basis of information secured by independent investigation by this Office, and upon information furnished by the trade, I find that the maximum ("ceiling") prices as set forth below constitute reasonable limitations on prices for Pig Iron.

Therefore, pursuant to the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1306.51 *Definitions.* When used in Price Schedule No. 10:

(a) The term "Person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "Pig Iron" includes all Pig Iron such as Basic, Foundry, Malleable, Bessemer, Low-Phosphorus, High-Silicon or Silvery, Gray Forge, Charcoal, etc., commonly produced in blast furnaces.

(c) The term "Basing Point Base Price" means the prices for Pig Iron as listed in § 1306.56, Appendix A.

(d) The term "Differential" means those provided in § 1306.56, Appendix A, otherwise the charges in effect June 24, 1941, prescribing additions or deductions from the base price to make adjustment for various analyses of the product sold from the product governed by the base price, which variations may be in chemical analysis, or other quality of the product.

(e) The term "Governing Basing Point" means that basing point the use of which results in the lowest delivered price at the place of delivery; in the case of exports it may also mean the established basing point at or nearest the place of production.*

*§§ 1306.51 to 1306.58, inclusive, issued pursuant to the authority contained in Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.52 *Maximum ("ceiling") prices on sales of pig iron.* On and after June 24, 1941, regardless of any commitment theretofore entered into, no Person who produces Pig Iron shall sell or deliver or offer to sell or deliver any such product, and no purchaser shall buy or accept delivery or offer to buy or accept delivery from such Person of any such product, at a price exceeding the maximum ("ceiling") price: *Provided*, That with respect to any sale of Pig Iron for future delivery, a contract may provide for the payment of an adjusted price not to exceed the maximum ("ceiling") price in effect at the time of shipment.

A lower price than the ceiling price may be charged, demanded, offered, or paid. The price limitations set forth in Price Schedule No. 10 shall not be evaded by additional charges for prompt or early delivery, or by other direct or indirect methods, nor shall the other terms and conditions of sale be made more onerous to the purchasers than those available or in effect on June 24, 1941.

(a) The domestic ceiling price for any grade or kind of Pig Iron for which there are Basing Point Base Prices shall be the aggregate of: (1) the Basing Point Base Price at the Governing Basing Point; (2) Differentials; (3) transportation charges from the Governing Basing Point to the place of delivery as customarily computed.

(b) The export ceiling price for any grade or kind of Pig Iron for which there are Basing Point Base Prices shall be the aggregate of: (1) the Basing Point Base Price at the Governing Basing Point; (2) Differentials; (3) export transportation charges from the Governing Basing Point to the place of delivery as customarily computed.

For all special kinds or grades of Pig Iron for which there are no Differentials, the ceiling prices shall be the Basing Point Base Prices and the special differentials which were or would have been charged by the seller on June 24, 1941, (upon the basis of the prices, discounts charges, or special differentials then listed or quoted by the seller), for such kinds or grades of Pig Iron, exclusive of any premium or charge for advanced delivery or any other inducement offered by the buyer or demanded by the seller to negotiate the sale.*

§ 1306.53 *Records.* (a) Every Person who produces Pig Iron shall retain copies of all invoices, dated January 1, 1941, or later, relating to sales of such products, including sales to exporters, brokers and all other Persons purchasing for resale. Reports on such sales, in such form as may be determined, will be required by Supplements issued under Price Schedule No. 10.

(b) Every Person who produces and sells Pig Iron shall file a copy of his price schedules, including Differentials, stating the prices, charges and discounts in effect on June 24, 1941. Such materials shall be filed with the Office of Price Administration, Washington, D. C., on or before July 10, 1941.*

§ 1306.54 *Supplement.* In order to facilitate the application of Price Schedule No. 10, Supplements further stating its scope will be issued from time to time as may be necessary, or appropriate.*

§ 1306.55 *Modification.* Price Schedule No. 10 is issued upon the basis of presently existing conditions. It is subject to adjustment or revocation if called for by changed conditions. Persons complaining of hardship or inequity in the operation of Price Schedule No. 10 (whether arising from action taken in reliance on a commitment of sale at prices in excess of those herein established, or from any other cause) may apply to the Office of Price Administration for approval of any proposed modification thereof.*

§ 1306.56 *Appendix A: Basing point base prices for pig iron (per gross ton—2,240 lbs.); switching charges; certain differentials.*

	No. 2 foundry	Basic	Bessemer	Malleable	Low phosphorus
Bethlehem, Pa.....	\$25.00	\$21.50	\$26.00	\$25.50	.....
Everett, Mass.....	25.00	21.50	23.00	25.50	.....
Swedeland, Pa.....	25.00	24.50	26.00	25.50	.....
Steelton, Pa.....	.....	24.50	.....	.....	\$20.50
Birdsboro, Pa.....	25.00	24.50	20.00	25.50	20.50
Sparrows Point, Md.....	25.00	21.50	.....	.....	.....
Erie, Pa.....	24.00	23.50	25.00	24.50	.....
Neville Island, Pa.....	24.00	23.50	24.50	24.50	.....
Sharpsville, Pa.....	24.00	23.50	24.50	24.00	.....
Buffalo.....	24.00	23.00	25.00	24.50	20.50
Chicago.....	24.00	23.00	24.50	24.00	.....
Granite City, Ill.....	24.00	23.50	24.50	24.00	.....
Cleveland.....	24.00	23.50	24.50	24.00	.....
Hamilton, Ohio.....	24.00	23.50	.....	24.00	.....
Toledo, Ohio.....	24.00	23.50	24.50	24.00	.....
Youngstown.....	24.00	23.50	24.50	24.00	.....
Detroit.....	24.00	23.50	24.50	24.00	.....
Duluth.....	21.50	.....	25.00	24.50	.....
Birmingham.....	20.38	19.00	25.00	.....	.....
Provo, Utah.....	22.00	.....	.....	.....	.....

HIGH-SILICON, SILVERY

(Base silicon 6.00 percent to 6.50 percent)

Jackson County, Ohio..... \$20.50
Buffalo, New York..... 30.76

GRAY FORGE

Valley or Pittsburgh Furnace..... \$23.50

CHARCOAL

Lake Superior Furnace..... \$28.00
Lyles, Tenn. High Phos. Furnace..... 28.50
Lyles, Tenn. Low Phos. Furnace..... 33.00

Switching charges. Basing Point Base Prices are to be subject to an additional charge for delivery within the switching limits of the respective districts.

Silicon differentials. Basing Point Base Prices are to be subject to an additional charge not to exceed \$0.50 a ton for each 0.25 percent silicon content in excess of base grade (1.75 percent to 2.25 percent).

Phosphorus differential. Basing Point Base Prices are to be subject to a reduction of \$0.38 per ton for phosphorus content of 0.70 percent and over.

Manganese differentials. Basing Point Base Prices are to be subject to an addi-

* Issued: 6 F.R. 2909. Amended: 6 F.R. 4736, 4820, 5428, 5622; 7 F.R. 64.

† 6 F.R. 6688, 6766, 7 F.R. 701, 809, and 928.

* 7 F.R. 785 and 930.

tional charge not to exceed \$0.50 a ton for each 0.50 percent manganese content in excess of 1.00 percent.

Exception. Pittsburgh Coke and Iron Company (Sharpsville, Pa. Furnace only) and the Struthers Iron and Steel Company, Struthers, Ohio, may charge \$0.50 a ton in excess of Basing Point Base Prices for No. 2 Foundry, Basic, Bessemer and Malleable.*

§ 1306.57 *Appendix B; exceptions.* The following person has been granted an exception under § 1306.55 of Price Schedule No. 10, permitting it to make a charge of \$1.00 in addition to the maximum prices in § 1306.56, Appendix A, for pig iron: E. and G. Brooke Iron Company, Birdsboro, Pennsylvania.*

[§ 1306.57 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 705]

§ 1306.58 *Geographical application.* The provisions of Price Schedule No. 10 shall apply only to sales, offers to sell or delivery of pig iron moving within, into, or out of one of the forty-eight States of the United States or the District of Columbia.*

[§ 1306.58 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 705]

Issued this twenty-fourth day of June 1941.¹

[Effective this 24th day of June 1941.]

LEON HENDERSON,
Administrator.

PART 1316—COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 11—FINE COTTON GREY GOODS²

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and dislocations.

Cotton Grey Goods are used as the basic fabric for finished cotton textiles. They are also used extensively in an unfinished state: Finished cotton textiles constitute a major portion of the material used in both military and civilian clothing. Furthermore, Cotton Grey Goods, in both their finished and unfinished states, are indispensable to the manufacture of numerous other items used by both the armed forces and civilians.

In the last 12 months the cotton grey goods market has advanced sharply. During that period there has been a 68 percent increase in the average price of the principal constructions. This has meant a 106 percent increase in the average mill margin for those types of cloth. This upward price movement has

been out of all proportion to any increases in costs of materials and production. Largely responsible for this inflationary trend have been the fear of buyers that prices would continue to rise, and the activity of speculators and holders who have taken advantage of this fear and of the heavy demand for textiles arising from defense needs.

It is apparent, therefore, that in order to insure stability of the price structure and to forestall widespread speculation, hoarding, and profiteering, the national defense and the public interest require that maximum prices be established for Cotton Grey Goods.

The maximum prices set forth below allow a mill margin substantially above the average which the industry has enjoyed during the past five years.

On the basis of information secured by independent investigation by this Office, and upon information furnished by the trade, I find that the maximum prices herein established are necessary and reasonable.

Accordingly, pursuant to the authority vested in me by Executive Order 8734, and after consultation with the Price Administration Committee, it is hereby directed that:

§ 1316.1 *Maximum prices for fine cotton goods.* On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1316.13), regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer fine cotton goods, and no person shall buy, offer to buy, or accept delivery of fine cotton goods, at prices higher than the maximum prices set forth in Appendix A, except as provided in § 1316.3.*

[§ 1316.1 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

*§§ 1316.1 to 1316.14, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8876, 6 F.R. 1917, 4483.

§ 1316.2 *Less than maximum prices.* Lower prices than those set forth in § 1316.13, Appendix A, may be charged, demanded, paid or offered.*

[§ 1316.2 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.3 *Wholesalers, jobbers, and retailers.* The maximum prices established herein and the provisions of §§ 1316.5 and 1316.6 are not applicable to sales or deliveries of fine cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided*, (a) That sales and deliveries of fine cotton goods (1) to a domestic converter or finisher or (2) by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices; and (b) that records, as required by § 1316.5, shall be kept of every sale or delivery by a wholesaler or jobber for export.*

[§ 1316.3 as amended, December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.4 *Evasion.* (a) The price limitations set forth in Price Schedule No. 11 shall not be evaded whether by direct or

indirect methods in connection with a purchase, sale, delivery or transfer of fine cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution thereof of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.13 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

[§ 1316.4 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.5 *Records.* Every person making purchases or sales of fine cotton goods after December 23, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each construction of fine cotton goods purchased or sold; (b) the quantity in yards of fine cotton goods, (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or pounds of each construction of fine cotton goods manufactured during each calendar month. When used in this section, the term "fine cotton goods" includes fine cotton goods whether or not subject to the maximum prices established herein.*

[§ 1316.5 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.6 *Details required in contract of sale and invoice.* (a) Every seller of fine cotton goods, shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; and (2) a full description of each construction of fine cotton goods sold, including (i) the width; (ii) the cloth count; (iii) the number of yards per pound; and (iv) where, in conformity with Price Schedule No. 11, a premium is charged, the feature of the goods or of their manufacture for which such premium is allowed.

(b) Every seller of fine cotton goods shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by (a) above or make reference to the contract in which such information is set forth.*

[§ 1316.6 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.7 *Reports.* (a) On or before January 10, 1942, and on or before the 10th day of each month thereafter, every manufacturer of fine cotton goods (in-

¹ Issued: 6 F.R. 3100. Amended: 7 F.R. 705.

² Issued as Cotton Grey Goods. Amendment of October 20, 1941 changed title to Combed Cotton Grey Goods. Amendment of December 23, 1941 changed title to Fine Cotton Grey Goods.

cluding manufacturers of fine cotton goods not subject to the maximum prices established herein) shall submit to the Office of Price Administration, Washington, D. C., a report on Form 111: 6 setting forth in the detail required by the Form all the constructions (including fancy weaves) of fine cotton goods, other than the constructions and weaves for which maximum prices are established in § 1316.13, Appendix A, manufactured or sold by such person in quantities in excess of 15,000 yards during the preceding calendar month, and the highest prices at which each such construction was sold, both for immediate and future delivery, during such month. Copies of Form 111:6 can be procured from the Office of Price Administration.

[Paragraph (a) as amended January 30, 1942; effective December 24, 1941; 7 F.R. 618]

(b) Persons affected by Price Schedule No. 11 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.8 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold fine cotton goods, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 111: 7, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 11 or with any exception therefrom or modification thereof. Copies of Form 111: 7 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

[§ 1316.8 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.9 *Enforcements.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 11, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 11, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 11; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 11. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of fine cotton goods or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate

with the Office of Price Administration.*

[§ 1316.9 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.10 *Modification of Price Schedule No. 11.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 11 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 11.*

[§ 1316.10 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.11 *Definitions.* When used in Price Schedule No. 11, the terms:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Fine cotton goods" means cotton grey goods made wholly or in part of combed yarn but, unless otherwise specified, refers only to goods of the types and specifications for which maximum prices are established in § 1316.13, Appendix A.

[Paragraph (b) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 713]

(c) "Ceiling date" means the date, as specified in § 1316.13, Appendix A, on which Price Schedule No. 11 becomes effective with respect to any given fabric;

(d) "For export" means to any person or persons outside the United States, its territories and possessions.*

[§ 1316.11 as amended, December 23, 1941, effective December 24, 1941; 6 F.R. 6695, with the exception of paragraph (b)]

§ 1316.12 *Effective date of Price Schedule No. 11.* This Schedule (§§ 1316.1 to 1316.8, inclusive) shall become effective June 28, 1941.*

[This Price Schedule No. 11 §§ 1316.1 to 1316.13, inclusive), as amended, shall become effective December 24, 1941]

§ 1316.13 *Appendix A: Maximum prices for fine cotton goods—(a) Arrangement of appendix.* Paragraph (b) sets forth the terms of sale to be observed in connection with the maximum prices established in Price Schedule No. 11.

Paragraph (c) contains the maximum prices established for the types of fine cotton goods listed therein prior to December 24, 1941. The maximum prices set forth in paragraph (c) are applicable to such types of goods there listed when delivered against contracts entered into prior to December 24, 1941, except that they do not apply to deliveries for export or to deliveries against contracts made between December 10 and December 23, 1941, inclusive, in which the parties agreed that the buyer's obligations should be discharged at prices not in excess of the maximum prices established in any revision of Price Schedule No. 11 becoming effective before January 1, 1942.

Paragraph (d), as qualified by paragraph (e), contains maximum prices applicable to all transactions other than (1) deliveries for export against contracts entered into prior to December 24, 1941, and (2) deliveries subject to the

maximum prices set forth in Paragraph (c).

Paragraph (e) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraph (d), premiums may be paid for (1) fine cotton goods made to special physical requirements established by the buyer and (2) fine cotton goods of demonstrably superior quality.

(b) *Terms of sale.* The maximum prices set forth herein are prices f. o. b. the seller's point of shipment; they are gross prices before discounts of any nature are deducted and include all commissions.

(c) *Fine cotton goods covered by contract prior to December 24, 1941.* The following are maximum prices for fine cotton goods delivered against any sale or contract of sale (other than a sale or contract of sale for export) entered into prior to December 24, 1941, except that the maximum prices set forth in (d) below shall apply, in lieu of the following maximum prices, to deliveries against sales or contracts of sale entered into between December 10 and December 23, 1941, inclusive, in which the parties agreed that the buyer's obligation should be discharged at prices not in excess of the maximum prices established in any revision of Price Schedule No. 11 becoming effective before January 1, 1942.

The maximum prices set forth herein become effective on December 24, 1941, which shall constitute the ceiling date* or the fabric subject thereto.

Type and construction of cloth

Combed broadcloth made of single-ply yarn:	
40"—and narrower, 138 sley and below.....	Maximum prices \$.61 per pound. ¹
37"—138 x 60.....	.14875 per yard. ²
37"—128 x 68.....	.14875 per yard. ²
37"—144 x 76.....	.15875 per yard. ¹
37"—152 x 80.....	.17 per yard. ¹
Combed lawns:	
36"—76 x 72.....	.0975 per yard. ¹
36"—88 x 80.....	.1075 per yard. ¹
40"—68 x 56.....	.09 per yard. ¹
40"—72 x 68.....	.10 per yard. ¹
40"—76 x 72.....	.1025 per yard. ¹
40"—88 x 80.....	.1125 per yard. ¹
40"—96 x 92.....	.12875 per yard. ¹
40"—96 x 100.....	.135 per yard. ¹
40"—108 x 112.....	.16375 per yard. ¹
45"—76 x 72.....	.11875 per yard. ¹
45"—88 x 80.....	.12875 per yard. ¹

Dimities:	
36"—96 x 68.....	\$.1075 per yard. ¹
36½"—114 x 64.....	.1175 per yard. ¹
36½"—116 x 76.....	.12625 per yard. ¹

Voile:	
39"—60 x 52, slack.....	.09 per yard. ¹

¹ This maximum price applies to deliveries against contracts entered into prior to August 23, 1941.

² This maximum price applies to deliveries against contracts entered into on or after August 23, 1941.

³ For seconds and shorts, five per cent less than the above figures constitutes the maximum price.

⁴ For deliveries against contracts entered into on or after October 4, 1941, for 40"—96 x 100 combed lawn meeting United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940, a premium of ¼ cent per yard may be charged).

(d) *Fine cotton goods not covered by contract prior to December 24, 1941—(1) Applicability of maximum prices in para-*

graph (d). The maximum prices established in paragraph (d) apply to all offers to buy or sell, sales or contracts of sale, deliveries, and transfers made or entered into on or after December 24, 1941, except (i) deliveries for which maximum prices are established by (c) above, and (ii) deliveries for export against contracts entered into prior to December 24, 1941.¹

(2) *Determination of maximum price.* Subject to the qualifications contained in Paragraph (e) below, the maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of fine cotton goods shall be determined in the following manner from the tables appearing below:

(i) *Offer to buy or sell.* By the spot cotton price² of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 11;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*³ By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made regardless of any change in the spot cotton price subsequent thereto, except that, where the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound.⁴

(3) *Ceiling date.* The maximum prices set forth in the tables below and the qualifications thereto of paragraph (e) become effective on December 24, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto.

¹ Manufacturers of fine cotton goods may make application to the Office of Price Administration for permission to sell such goods for export at a premium commensurate with the additional packaging costs, selling expenses, and credit risks involved.

² The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling $\frac{3}{16}$ -inch cotton on ten designated spot markets.

³ Except as provided in paragraph (c), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

⁴ Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (d), as the day on which the sale or contract of sale is made.

(4) Maximum price tables.

TABLE I

In addition to the maximum prices set forth below, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to any fabric which, in its basic construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	Premium (cents per yd.)
Weaves requiring five or more cams:	
Weaves which (exclusive of salvage) required 5 cams	$\frac{1}{4}$
Weaves, other than plain, which (exclusive of salvage) require 6 or more cams	$\frac{1}{2}$
Weaves requiring dobby loom:	
Weaves requiring 16 harnesses or less	$1\frac{1}{4}$
Weaves requiring more than 16 harnesses	$1\frac{1}{2}$
Fancy draw: ¹	
For ply cords, bunched ends, skip dents, double draw (2 ends or more	

weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above	$\frac{1}{2}$
Each extra beam	$\frac{1}{2}$
Hard twist:	
Warp yarn where turns per inch equal $5\frac{1}{4}$ or more times the square root of yarn size	$\frac{1}{2}$
Filling yarn where turns per inch equal $4\frac{1}{4}$ or more times the square root of yarn size	$\frac{1}{2}$
Clipping	$\frac{1}{2}$
Slubs:	(Cents per lb.)
Cloths with 60 or more picks per inch	2
Cloths with less than 60 picks per inch	3
¹ If a premium is charged for dobby weave, no premium may be charged for fancy draw or for slubs.	
² For clip spot marquisettes a premium greater than 1 cent per yard may be charged, but it shall not exceed the premium heretofore customary in the trade.	

[Table I as amended February 2, 1942, effective February 2, 1942; 7 F.R. 713]

TABLE II¹

Type and construction of cloth	Spot cotton price—Cents per pound									
	14.49 to 14.58	14.59 to 15.48	15.49 to 15.58	15.59 to 15.68	15.69 to 15.78	15.79 to 15.88	15.89 to 15.98	15.99 to 16.08	16.09 to 16.18	16.19 to 16.28
Cents per yard										
Combed Broadcloth Single Ply:										
37" 136 x 60	15.35	15.50	15.65	15.80	15.95	16.10	16.25	16.40	16.55	16.70
37" 128 x 68	16.00	16.15	16.30	16.45	16.60	16.75	16.90	17.05	17.20	17.35
37" 144 x 76	16.05	16.10	16.25	16.40	16.55	16.70	16.85	17.00	17.15	17.30
37" 152 x 80	17.50	17.65	17.80	17.95	18.10	18.25	18.40	18.55	18.70	18.85
Combed Lawns:										
36" 76 x 72	9.34	9.41	9.48	9.55	9.62	9.69	9.76	9.83	9.90	9.97
36" 88 x 80	11.09	11.16	11.23	11.30	11.37	11.44	11.51	11.58	11.65	11.72
36" 68 x 56	8.27	8.33	8.39	8.45	8.51	8.57	8.63	8.69	8.75	8.81
40" 72 x 68	9.49	9.56	9.63	9.70	9.77	9.84	9.91	9.98	10.05	10.12
40" 76 x 72	10.53	10.60	10.68	10.75	10.83	10.90	10.98	11.05	11.13	11.20
40" 88 x 80	11.91	11.99	12.07	12.15	12.23	12.31	12.39	12.47	12.55	12.63
40" 96 x 92	13.03	13.12	13.21	13.30	13.39	13.48	13.57	13.66	13.75	13.84
40" 96 x 100	14.45	14.55	14.65	14.75	14.85	14.95	15.05	15.15	15.25	15.35
40" 108 x 112	16.57	16.68	16.79	16.90	17.01	17.12	17.23	17.34	17.45	17.56
45" 76 x 72	11.80	11.88	11.97	12.05	12.14	12.22	12.31	12.39	12.48	12.56
45" 88 x 80	13.03	13.12	13.21	13.30	13.39	13.48	13.57	13.66	13.75	13.84
Dimittes:										
36" 66 x 68	10.18	10.25	10.33	10.40	10.48	10.55	10.63	10.70	10.78	10.85
36" 114 x 64	11.52	11.61	11.71	11.80	11.90	12.00	12.09	12.18	12.28	12.37
36" 116 x 70	11.70	11.78	11.87	11.95	12.04	12.12	12.21	12.29	12.38	12.46
Voile:										
37" 60 x 52 slack twist	9.12	9.20	9.27	9.35	9.42	9.50	9.57	9.65	9.72	9.80
Pique:										
35" 176 x 100	23.23	23.42	23.61	23.80	23.99	24.18	24.37	24.56	24.75	24.94
Pongee:										
35" 72 x 100	13.24	13.44	13.65	13.85	14.06	14.27	14.47	14.68	14.88	15.09
Marquisettes:										
38" 44 x 18	6.60	6.65	6.70	6.75	6.80	6.85	6.90	6.95	7.00	7.05
39" 44 x 22	7.07	7.13	7.19	7.25	7.31	7.37	7.43	7.49	7.55	7.61
39" 40 x 20	7.07	7.13	7.19	7.25	7.31	7.37	7.43	7.49	7.55	7.61
39" 48 x 22	7.45	7.52	7.58	7.65	7.71	7.78	7.84	7.91	7.97	8.04
39" 48 x 28	8.09	8.16	8.23	8.30	8.37	8.44	8.51	8.58	8.64	8.71
39" 48 x 32	8.44	8.51	8.58	8.65	8.72	8.79	8.86	8.93	9.00	9.07
49" 48 x 28	9.51	9.59	9.67	9.75	9.83	9.91	9.99	10.07	10.15	10.23
49" 48 x 32	10.61	10.69	10.77	10.85	10.93	11.01	11.09	11.17	11.25	11.33

¹ The maximum price for cloth of a thread count listed in this table but of a different width from that mentioned therein shall be directly proportionate, in the ratio of the respective widths, to the stated maximum price for cloth of that thread count.

For seconds and short lengths of any fabric subject to the maximum prices established in this Price Schedule No. 11, the maximum prices shall be five per cent less than the above prices.

² For 40" 66 x 100 combed lawn meeting United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1933, corrected to December 30, 1940) a premium of $\frac{1}{4}$ cent per yard may be charged.

[Table II as amended February 2, 1942, effective December 24, 1941, 7 F.R. 713]

(e) *Premiums.* (1) In addition to the maximum prices set forth in (d) above, a premium may be demanded, charged, paid, or accepted for fine cotton goods made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the same goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.13 (e) (3):

(i) The premiums shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June 1941, or, if no such goods have been sold by the seller during that period, 5 per cent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

(2) Every seller making a sale, contract of sale, or delivery of fine cotton goods at a price including all or part of any premium permissible under § 1316.13 (e) (1) shall, on or before the 10th day of the succeeding month, file with the Office of Price Administration a sworn statement on Form 111:8 stating, with respect to each sale, contract of sale, or delivery made during the preceding calendar month, the date of the sale or contract of sale; the quantity of goods covered thereby; the date or dates when delivery is to be or has been made; the name of the manufacturer of the goods and of the buyer; the price agreed upon, charged, or paid; the buyer's specifications, in accordance with which the goods are made; the date of issuance thereof by the buyer; the use to which the goods are to be put; and the special physical requirements which are relied upon for the premium charged: *Provided*, That if a report, as required hereunder, is duly made of a sale or contract of sale, or any delivery pursuant thereto, no report need be made of any subsequent delivery of the same kind of goods pursuant to such sale or contract of sale.

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (c) or (d), a premium for (i) fine cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by the seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; or (iv) fine cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade. Such application, which shall be sworn to before a notary public, shall be accompanied by a yard-long sample of the fabric in its full width and state in detail (i) the construction of the cloth, including the width, thread count, and weight, and, with respect to both the warp and filling yarns, the yarn number and the staple, grade, and kind of cotton used; (ii) the specifications, if any, to which the goods are made; (iii) the use to which the goods are to be put; (iv) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (v) the person or persons, if any, from whom the goods were purchased and the premiums if any, paid (in cents over the prevailing market prices of the same goods of commercial quality) for such goods

during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted and, if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.*

[§ 1316.13 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695, with the exception of Tables I and II which were amended February 2, 1942]

§ 1316.14 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to Price Schedule No. 11:

(a) such amendment shall not be deemed to affect the provisions of Price Schedule No. 11 as they stood prior to such amendment;

(b) it shall be permissible for any person to make or accept delivery of fine cotton grey goods at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price was subject to and in conformity with Price Schedule No. 11 when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of Price Schedule No. 11 as in effect when the contract was made.*

[§ 1316.14 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 714]

Issued this 27th day of June, 1941.*

LEON HENDERSON,
Administrator.

PART 1309—COPPER

REVISED PRICE SCHEDULE NO. 12—BRASS MILL SCRAP

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

The requirements of the defense program have increased the demand for

* Issued: 6 F.R. 3180, as §§ 1316.1 to 1316.8, inclusive. Amended: 6 F.R. 3595, 3988, 4323, 5093, 5335. Corrected: 6 F.R. 5549. Amended: 6 F.R. 6360. Sections renumbered and amended: 6 F.R. 6695. Corrected: 6 F.R. 6768. Amended: 7 F.R. 618, 714.

brass mill scrap, causing the prices of such scrap to rise above levels which are in proper relation to the price levels of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. As a consequence, it has become difficult, and, in some cases, impossible for the trade to cooperate with the Government in maintaining price stability.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1309.11 *Maximum prices for brass mill scrap.* (a) On* and after July 22, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1309.12 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, brass mill scrap, to any other person, and no person shall buy, offer to buy, or accept delivery of, brass mill scrap, from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1309.19. Lower prices than those set forth in § 1309.19, Appendix A, however, may be charged, demanded, paid, or offered.

(b) If brass mill scrap is imported into the United States, or if imported brass mill scrap is resold in the United States, there may be added to the maximum price established by this section the actual amount of United States import or customs duty paid on such scrap: *Provided*, That:

(1) the total amount paid or received for such imported scrap f. o. b. shipping point in the continental United States does not exceed the maximum price established in this section plus the actual amount of import or customs duty paid;

(2) the import or customs duty paid is shown as a separate item on the records required to be kept in accordance with section 1309.14 hereof and on any invoice rendered to the buyer; and

(3) the buyer files a report of each such purchase with the Office of Price Administration on form 112:3 within five days of the date thereof.

[Paragraph (b) added by amendment December 27, 1941, effective December 27, 1941, 6 F.R. 6798]

* §§ 1309.11 to 1309.19, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.12 *Permission to carry out contracts entered into prior to July 22, 1941.* Any person seeking permission to carry out a contract of sale or other commitment, entered into prior to July 22, 1941, and calling for the delivery, after July 22, 1941, of brass mill scrap at prices higher than the maximum prices set forth in § 1309.19, Appendix A, may apply for such permission in writing upon forms available upon request made to the Office of Price Administration, Washington, D. C. Permission will be granted if necessary to protect such person against loss in the disposition of inventory already acquired at prices higher than the established maximum prices. Permission, therefore, may be obtained *only* if quantities of brass mill scrap, sufficient to carry out such contract or commitment, were ac-

quired at prices higher than the established maximum prices, and held on July 22, 1941, by (a) the person seeking such permission, and (b) any other person, for delivery to the person seeking such permission, under a firm commitment entered into prior to July 22, 1941.*

§ 1309.13 *Evasion.* The price limitations set forth in Price Schedule No. 12 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer at a price, of brass mill scrap, or in connection with a purchase, sale, delivery or transfer at a price, of any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1309.14 *Record-keeping requirements.* Every person making purchases or sales of brass mill scrap shall, until such time as further information is deemed necessary or appropriate hereunder, keep for inspection by the Office of Price Administration, and preserve for a period of not less than one year, complete and accurate records of:

(a) every purchase and sale of such scrap, showing the date thereof, the name and address of the person from or to whom each such purchase or sale was made, the price paid or received, and the quantity, in pounds or tons, of each kind or grade purchased or sold; and

(b) the quantity, in pounds or tons, of such scrap (1) on hand, and (2) on order, as of the close of each month.*

§ 1309.15 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 12, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 12, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 12 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 12. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of any or all of the grades of brass mill scrap or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

[§ 1309.15 as amended October 1, 1941, effective October 3, 1941, 6 F.R. 5041]

§ 1309.16 *Supplemental schedule and reporting requirements.* In order to insure compliance with Price Schedule No.

12, supplements further defining its scope and, if necessary, requiring reports, to the Government, will be issued from time to time when found appropriate.*

§ 1309.17 *Modification of Price Schedule No. 12.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 12 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1309.18 *Definitions.* When used in Price Schedule No. 12 the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

(b) "Brass mill scrap" means the kinds and grades of nonferrous scrap materials which are a by-product of the fabrication of materials produced by brass mills.*

[§ 1309.18 as amended October 1, 1941, effective October 3, 1941, 6 F.R. 5041]

§ 1309.19 *Appendix A: Maximum prices.* Maximum prices herein set forth are for the principal kinds or grades of brass mill scrap. All other kinds or grades of brass mill scrap which are not specified, except cupro-nickel alloy scrap, should be sold at the normal differentials from such principal kinds or grades. Cupro-nickel alloy scrap shall be sold in accordance with the provisions of Price Schedule No. 8 which establishes maximum prices for scrap and secondary materials containing nickel.

The maximum prices are established for scrap which is clean, dry and free from foreign materials and which meets generally accepted maximum standards in the trade. Scrap which fails to meet such standards should be sold at normal differentials below the established maximum prices.

Kind or grade of scrap	Maximum prices (per pound, f.o.b. point of shipment)		
	Heavy scrap	Rod ends	Turnings
BRASS			
Commercial bronze: Containing 85% or more copper.....	9½	9¼	8¾
Containing minimum of 60% up to 85% copper.....	9½	9¼	8¾
Red brass: Containing minimum of 80% copper.....	9½	8¾	8¾
Best quality brass: Containing minimum of 71% up to 80% copper.....	8¾	8¾	-----
Yellow Brass.....	8¾	8¾	7¾
Copper.....	10¾	10¾	9½
NICKEL SILVER			
8% nickel.....	9¼	9	4¾
10% nickel.....	10¾	9¾	5¼
15% nickel.....	10¾	10¾	5½

Quantity differentials: Cents per pound
 Premiums on shipments of:
 15,000 pounds or more at one time..... ½
 40,000 pounds or more at one time..... 1

The maximum prices set forth above apply on shipments in lots of less than 15,000 pounds. However, as indicated above, on shipments in lots of 15,000 pounds at one time, a maximum of ½¢

per pound may be added to such prices. On shipments in lots of 40,000 pounds or more at one time a maximum of 1¢ per pound may be added to such prices. A lot of 15,000 pounds for the purposes of Price Schedule No. 12, may be made up of any kind or grade of heavy scrap, or of any kind or grade of turnings and rod ends, but heavy scrap may not be mixed with either turnings or rod ends or both, to make up a lot of 15,000 pounds. A lot of 40,000 pounds or more for the purposes of Price Schedule No. 12 may be made up of any kind or grade of brass mill scrap.

If delivery is made by truck, a shipment in lots of 15,000 pounds or 40,000 pounds or more as the case may be, will be considered to have been made "at one time", for the purposes of Price Schedule No. 12, if such lot is delivered to the buyer within two days after the first shipment of the lot is so delivered.

[§ 1309.19 as amended October 1, 1941, effective October 3, 1941, 6 F.R. 5041.]

Issued this 21st day of July 1941:²

[Effective July 22, 1941]

LEON HENDERSON,
 Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 13—DOUGLAS FIR PLYWOOD³

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Douglas fir plywood, made primarily from Douglas fir peeler logs, is widely used as a building material, as a form for concrete shapes, as lining for the inside of freight cars and trucks, and as a display material. In the defense program, it has been extensively employed in the construction industry, and in the production of aircraft, pontoon bridges, and small boats. The recent increased use of plywood stemming from the defense program and the accompanying expanded economic activity has so increased demand for plywood that current requirements considerably exceed the existing capacity of the industry. As a consequence, inflationary pressure has been exerted upon the prices of these products, causing them to rise greatly in excess of previously existing levels in the industry. Such price increases have markedly outstripped cost advances. Certain members of the plywood industry have refused to cooperate voluntarily with the Office of Price Administration in maintaining stable prices, and those producers who have cooperated by withdrawing price increases have therefore been subjected to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.1 *Maximum prices for Douglas fir plywood.* On and after February 20,

¹ Issued 6 F.R. 3594. Amended 6 F.R. 5041, 6798.

² Title changed from "Douglas Fir Peeler Logs and Douglas Fir Plywood" by amendment February 7, 1942, effective February 20, 1942; 7 F.R. 905.

1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Douglas fir plywood, where the shipment originates at the mill rather than at a distribution plant, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1312.10.*

*§§ 1312.1 to 1312.10, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.2 *Less than maximum prices.* Lower prices than those set forth in § 1312.10, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.3 *Evasion.* The price limitations set forth in Price Schedule No. 13 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Douglas fir plywood, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on August 1, 1941; or by unnecessary routing plywood through a distribution plant; or by any other means.*

§ 1312.4 *Records and reports.* Every person who, during any calendar month, shall sell one or more carloads of Douglas fir plywood for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 13 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1312.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations record and report requirements, or other provisions of Price Schedule No. 13, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 13, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 13, and (c) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 13. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir plywood, or the hoarding or accumulat-

ing of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.6 *Modification of Price Schedule No. 13.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 13 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 13.*

§ 1312.7 *Definitions.* When used in Price Schedule No. 13 the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity.

(b) "Mill" means a factory or plant which processes Douglas fir peeler logs into Douglas fir plywood.

(c) "Manufacturer" means a person operating a mill.

(d) "Less than carload" means a quantity of one or more grades or sizes of Douglas fir plywood, the aggregate weight of which is less than 38,000 pounds. Either Douglas fir doors or Douglas fir millwork, or both, may be included with plywood in computing such aggregate weight.

(e) "Distribution plant" means a wholesale or retail warehouse or yard which purchases or receives Douglas fir plywood from a mill or another distribution plant for purposes of unloading and resale or redistribution, and which regularly maintains a stock of plywood.*

§ 1312.8 *Delivered prices.* A delivered price in excess of the maximum f. o. b. mill prices set forth in § 1312.10, Appendix A, may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(a) The charging of a sum equivalent to the one-twentieth of a dollar nearest to such actual transportation costs; and

(b) the computation of transportation costs on the basis of a system of estimated average weights used by the seller during the month of July, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to Price Schedule No. 13 as amended, or within thirty days of the effective date of this Amendment.*

§ 1312.9 *Effective date of Price Schedule No. 13.* This Schedule (§§ 1312.1 to 1312.10, inclusive) shall become effective August 5, 1941.*

[Title, Preamble, and §§ 1312.1 to 1312.9, inclusive, as amended, shall become effective February 20, 1942]

§ 1312.10 *Maximum prices for Douglas fir plywood.* (a) The maximum prices for standard grades* moisture-resistant type Douglas fir plywood shall be as follows:

* See footnote 8 on p. 1237.

PLYSCORD—ALL SIZES UP TO 48" x 96"

[Douglas Fir Plywood Sheathing]

	Price per M sq. ft. f. o. b. mill	
	C/L	LO/L
5/16" 3 Ply, Rough.....	\$25.30	\$28.40
3/8" 3 Ply, Rough.....	30.30	31.75
1/2" 3 or 5 ply, at mill's option, Rgh..	40.45	43.00
5/8" 3 or 5 ply, at mill's option, Rgh..	50.55	53.95

PLYWALL—ALL SIZES UP TO 48" x 96"

[Douglas Fir Plywood Wallboard]

5/16" 3 Ply S2S to 1/4".....	\$23.00	\$29.20
1/4" 3 Ply S2S to 3/8".....	33.50	40.90
3/8" 5 Ply S2S to 1/2".....	52.50	58.15
1/2" Studding Strips (Per M Lineal Ft.).....	5.30	5.30

PLYFORM—ALL SIZES UP TO 48" x 96"

[Concrete Form Panels]

5/16" 3 Ply S2S to 1/4".....	\$45.00	\$49.00
(Form Liners)		
1/4" 5 Ply S2S to 1/2".....	77.10	84.15
3/8" 5 Ply S2S to 1/2".....	82.40	90.00
1/2" 5 Ply S2S to 3/4".....	85.60	94.15
3/4" 5 Ply S2S to 1 1/4".....	91.75	99.05
1 1/4" 5 Ply S2S to 3 1/4".....	95.30	104.05

* Grades shall be in accord with the standards of the United States Department of Commerce, National Bureau of Standards, as contained in Commercial Standard C845-40 (Douglas Fir Plywood, Domestic Grades), Fourth Edition, effective August 20, 1940.

AUTOMOBILE AND INDUSTRIAL PLYWOOD

[Rough Panels Only]

1 1/2" Rough, 3 Ply—sizes up to 48" x 96".	\$29.20	\$31.95
5/16" Rough, 3 Ply—sizes up to 48" x 96".	29.20	31.95
3/8" Rough, 3 Ply—sizes up to 48" x 96".	35.00	38.50
1/2" Rough, 5 Ply—sizes up to 48" x 96".	43.80	53.40
5/8" Rough, 5 Ply—sizes up to 48" x 96".	53.75	53.90
3/4" Rough, 5 Ply—sizes up to 48" x 96".	53.75	64.35
1 1/4" Rough, 5 Ply—sizes up to 48" x 96".	63.70	67.80
3/4" Rough, 5 Ply—sizes up to 48" x 96".	63.75	75.20
7/8" Rough, 5 Ply—sizes up to 48" x 96".	75.50	86.05
1 1/2" Rough, 7 Ply—sizes up to 48" x 96".	82.30	90.10

PLYANEL (SOUND 2 SIDES)

5/16" 3 Ply, S2S to 1/4", or 1/4" 3 Ply, S2S to 5/16":	\$35.65	\$38.85
24" and under.....	30.05	39.80
Over 24" to 36".....	33.50	41.85
Over 36" to 48".....	35.00	43.35
5/16" 3 Ply, S2S to 1/4":	32.15	35.35
24" and under.....	33.15	39.20
Over 24" to 36".....	35.00	41.85
Over 36" to 48".....	36.00	43.35
3/8" 3 Ply, S2S to 1/2":	38.70	42.35
24" and under.....	39.65	43.35
Over 24" to 36".....	41.40	45.30
Over 36" to 48".....	43.25	47.45
1/2" 3 Ply S2S to 3/4":	44.20	49.45
24" and under.....	45.05	50.45
Over 24" to 36".....	46.90	52.45
Over 36" to 48".....	48.75	54.45
3/4" 5 Ply, S2S to 1 1/4":	53.05	61.55
24" and under.....	53.85	65.60
Over 24" to 36".....	55.70	67.60
Over 36" to 48".....	57.55	69.60
5/8" 5 Ply, S2S to 1 1/2":	58.95	70.65
24" and under.....	59.95	72.65
Over 24" to 36".....	61.70	74.65
Over 36" to 48".....	63.55	76.65
1 1/4" 5 Ply, S2S to 1 3/4":	69.05	78.65
24" and under.....	70.90	80.65
Over 24" to 36".....	72.70	82.65
Over 36" to 48".....	74.55	84.65
3 1/4" 5 Ply, S2S to 1 3/4":	79.25	87.70
24" and under.....	80.10	89.70
Over 24" to 36".....	81.90	91.70
Over 36" to 48".....	83.75	93.70

PLYPANEL (SOUND 2 SIDES)—Continued

	Price per M sq. ft. f. o. b. mill	
	O/L	LC/L
1 1/2" 5 Ply, S2S to 3/4":		
24" and under	\$79.25	\$86.75
Over 24" to 36"	80.10	87.70
Over 36" to 48"	81.90	89.75
3/4" 5 Ply, S2S to 1 1/4":		
24" and under	88.35	96.80
Over 24" to 36"	89.30	97.75
Over 36" to 48"	91.10	99.85
3/4" 7 Ply, S2S to 1 1/4":		
24" and under	94.75	103.85
Over 24" to 36"	95.70	104.85
Over 36" to 48"	97.55	106.90
1 1/4" 7 Ply, S2S to 1 1/2":		
24" and under	94.75	103.85
Over 24" to 36"	95.70	104.85
Over 36" to 48"	97.55	106.90
1 1/4" 7 Ply, S2S to 1 1/2":		
24" and under	104.05	113.90
Over 24" to 36"	104.95	114.95
Over 36" to 48"	106.75	116.90
1 1/4" 7 Ply, S2S to 1 3/4":		
24" and under	117.80	129.05
Over 24" to 36"	118.75	130.00
Over 36" to 48"	120.60	132.10

PLYPANEL (GOOD 1 SIDE)

3/4" 3 Ply, S2S to 1/2", or 1/4" 3 Ply, S2S to 3/4":		
24" and under	\$43.05	\$46.85
Over 24" to 36"	45.85	49.95
Over 36" to 48"	49.55	53.95
1/2" 3 Ply, S2S to 1/2":		
24" and under	39.55	43.35
Over 24" to 36"	42.35	46.45
Over 36" to 48"	46.05	50.45
3/4" 3 Ply, S2S to 3/4":		
24" and under	46.05	50.45
Over 24" to 36"	48.50	53.40
Over 36" to 48"	52.45	57.45
1/2" 3 Ply, S2S to 3/4":		
24" and under	50.60	55.45
Over 24" to 36"	53.40	58.45
Over 36" to 48"	57.10	62.55
1 1/4" 5 Ply, S2S to 1 1/4":		
24" and under	66.30	72.60
Over 24" to 36"	69.05	75.65
Over 36" to 48"	72.70	79.65
1 1/4" 5 Ply, S2S to 1 1/4":		
24" and under	66.30	72.60
Over 24" to 36"	69.05	75.65
Over 36" to 48"	72.70	79.65
3/4" 5 Ply, S2S to 1 1/4":		
24" and under	77.35	84.65
Over 24" to 36"	80.10	87.70
Over 36" to 48"	83.75	91.75
1 1/4" 5 Ply, S2S to 1 1/4":		
24" and under	77.35	84.65
Over 24" to 36"	80.10	87.70
Over 36" to 48"	83.75	91.75
3/4" 5 Ply, S2S to 1 1/4":		
24" and under	86.55	94.75
Over 24" to 36"	89.30	97.75
Over 36" to 48"	92.95	101.80
1 1/4" 5 Ply, S2S to 1 1/4":		
24" and under	86.55	94.75
Over 24" to 36"	89.30	97.75
Over 36" to 48"	92.95	101.80
3/4" 5 Ply, S2S to 1 1/4":		
24" and under	95.70	104.85
Over 24" to 36"	98.45	107.85
Over 36" to 48"	102.15	111.95
1 1/4" 5 Ply, S2S to 1 1/4":		
24" and under	102.15	111.95
Over 24" to 36"	104.95	114.95
Over 36" to 48"	108.65	119.00
1 1/4" 7 Ply, S2S to 1 1/4":		
24" and under	102.15	111.95
Over 24" to 36"	104.95	114.95
Over 36" to 48"	108.65	119.00
1 1/4" 7 Ply, S2S to 1 1/4":		
24" and under	111.40	121.95
Over 24" to 36"	114.15	125.05
Over 36" to 48"	117.80	129.05
1 1/4" 7 Ply, S2S to 1 1/4":		
24" and under	125.20	137.05
Over 24" to 36"	127.95	140.15
Over 36" to 48"	131.60	144.15

PLYPANEL (GOOD 2 SIDES)

3/4" 3 ply, S2S to 1/2", or 1/4" 3 ply, S2S to 3/4":		
24" and under	\$50.45	\$54.95
Over 24" to 36"	53.20	58.00
Over 36" to 48"	58.75	64.05

PLYPANEL (GOOD 2 SIDES)

	Price per M sq. ft. f. o. b. mill	
	O/L	LC/L
3/4" 3 ply, S2S to 1/2":		
24" and under	\$46.95	\$51.45
Over 24" to 36"	49.70	54.50
Over 36" to 48"	53.25	58.75
1/2" 3 ply, S2S to 1/2":		
24" and under	43.40	48.45
Over 24" to 36"	46.20	51.50
Over 36" to 48"	49.70	54.75
3/4" 3 ply, S2S to 3/4":		
24" and under	48.60	53.75
Over 24" to 36"	51.40	56.55
Over 36" to 48"	54.90	60.00
1/2" 5 ply, S2S to 1 1/4":		
24" and under	73.65	80.65
Over 24" to 36"	76.45	83.70
Over 36" to 48"	81.90	89.75
3/4" 5 ply, S2S to 1 1/4":		
24" and under	73.65	80.65
Over 24" to 36"	76.45	83.70
Over 36" to 48"	81.90	89.75
1/2" 5 ply, S2S to 1 1/4":		
24" and under	84.65	92.75
Over 24" to 36"	87.40	95.75
Over 36" to 48"	92.95	101.80
3/4" 5 ply, S2S to 1 1/4":		
24" and under	84.65	92.75
Over 24" to 36"	87.40	95.75
Over 36" to 48"	92.95	101.80
1/2" 5 ply, S2S to 1 1/4":		
24" and under	63.00	69.65
Over 24" to 36"	66.65	73.65
Over 36" to 48"	70.15	77.65
3/4" 5 ply, S2S to 1 1/4":		
24" and under	63.00	69.65
Over 24" to 36"	66.65	73.65
Over 36" to 48"	70.15	77.65
1/2" 5 ply, S2S to 1 1/4":		
24" and under	103.10	112.95
Over 24" to 36"	106.85	116.95
Over 36" to 48"	111.40	121.95
3/4" 5 ply, S2S to 1 1/4":		
24" and under	103.10	112.95
Over 24" to 36"	106.85	116.95
Over 36" to 48"	111.40	121.95
1 1/4" 7 Ply, S2S to 1 1/4":		
24" and under	109.50	120.00
Over 24" to 36"	112.30	123.00
Over 36" to 48"	117.80	129.05
1 1/4" 7 Ply, S2S to 1 1/4":		
24" and under	109.50	120.00
Over 24" to 36"	112.30	123.00
Over 36" to 48"	117.80	129.05
1 1/4" 7 Ply, S2S to 1 1/4":		
24" and under	118.75	130.00
Over 24" to 36"	121.55	133.05
Over 36" to 48"	127.05	139.20
1 1/4" 7 Ply, S2S to 1 1/4":		
24" and under	132.55	145.15
Over 24" to 36"	135.25	148.20
Over 36" to 48"	140.80	154.25

(b) The maximum prices of panels, exterior grades* of Douglas fir plywood shall be as follows:

	Per M sq. ft. in carload lots, f. o. b. mill		
	Sound 2 sides	Indus- trial grade	Sound 1 side
1 1/2" sanded			
3/4" unsanded	\$47.50	\$45.50	\$43.50
1/2" sanded			
3/4" unsanded	48.50	46.50	44.50
1/2" sanded			
3/4" unsanded	53.00	51.00	49.00
1/2" sanded			
3/4" unsanded	61.00	59.00	57.00
1/2" sanded			
3/4" unsanded	61.50	59.50	57.50
1/2" sanded			
3/4" unsanded	68.00	66.00	64.00
1/2" sanded			
3/4" unsanded	95.00	93.00	91.00
1/2" sanded			
3/4" unsanded	103.50	101.50	99.50

* Grades shall be in accord with the standards of the United States Department of Commerce, National Bureau of Standards, as contained in Commercial Standard CS45-40 (Douglas Fir Plywood, Domestic Grades), Fourth Edition, effective August 20, 1940.

	Per M sq. ft. in carload lots, f. o. b. mill		
	Sound 2 sides	Indus- trial grade	Sound 1 side
1 1/2" sanded			
3/4" unsanded	\$112.00	\$110.00	\$107.50
1/2" sanded			
3/4" unsanded	121.00	119.00	117.00
1/2" sanded			
3/4" unsanded	143.00	140.50	138.50
1/2" sanded			
3/4" unsanded	152.00	149.50	147.00
1/2" sanded			
3/4" unsanded	160.50	158.00	155.50
1/2" sanded			
3/4" unsanded	170.50	168.00	166.00
1/2" sanded			
3/4" unsanded	180.00	178.00	176.00
1/2" sanded			
3/4" unsanded	190.50	188.00	185.50

(c) Any "addition for special extras", as the term is customarily used in the Douglas fir plywood industry, shall not exceed the price charged therefor by the seller on March 1, 1941.*

Issued this first day of August 1941.*

LEON HENDERSON,
Administrator.

PART 1309—COPPER

REVISED PRICE SCHEDULE NO. 15—COPPER

[Issued by the Office of Price Administration and Civilian Supply and adopted by the Office of Price Administration]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper is a basic material for the production of many defense products and as such has been subjected to a method of complete control of its distribution by a General Preference Order of the Office of Production Management, No. M-9-a, effective August 2, 1941. In order to equalize the price to all consumers under that preference order and in the interest of national defense and of the public, the establishment of maximum prices for copper is necessary. On the basis of information furnished by the Trade and secured by independent investigation by the Office of Price Administration, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper.

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1309.51 *Maximum prices for copper.*
(a) On and after February 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1309.53 of this chapter, no person shall sell, offer to sell, deliver or transfer copper and no person shall buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1309.60: *Provided*, That any person may sell, offer to sell, deliver or transfer copper to

* Issued: 6 F.R. 3865. Amended: 6 F.R. 4885. Renumbered and amended: 7 F.R. 905. Corrected: 7 F.R. 954.

Metals Reserve Company or any other government department, agency or corporation previously approved in writing by the Office of Price Administration, and Metals Reserve Company or any other government department, agency or corporation so approved by the Office of Price Administration, may buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in § 1309.60.

(b) Except as otherwise provided in § 1309.60, the prices established by Price Schedule No. 15 are delivered prices at the buyer's place of business and are gross prices before the deduction of any discounts and include all commissions.*

*§§ 1309.51 to 1309.60, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.52 *Less than maximum prices.* Lower prices than those set forth in § 1309.60 may be charged, demanded, paid or offered.*

§ 1309.53 *Permission to carry out contracts entered into prior to August 12, 1941.* Any person who has, prior to August 12, 1941, entered into a contract of sale or other firm commitment calling for delivery or transfer, after that date, of copper at prices higher than the maximum prices established by Price Schedule No. 15 may make application, upon forms available upon request, to the Office of Price Administration for permission to carry out such contract or commitment at the contract price. Such permission will be granted only:

(a) Where the applicant has entered into a firm commitment with a purchaser prior to August 12, 1941, at a price not more than $\frac{1}{2}\text{¢}$ per pound in excess of the maximum prices established by Price Schedule No. 15, and where such firm commitment is actually carried out prior to December 31, 1941, or such later date as may be permitted in each case upon application to the Office of Price Administration, or

(b) Where the applicant is a dealer, the permission is necessary to protect the applicant against loss, the contract or firm commitment was entered into prior to August 12, 1941, and the copper, or the purchase contract for the copper, to fulfill such contract or firm commitment was acquired prior to April 25, 1941.*

§ 1309.54 *Evasion.* The price limitations set forth in Price Schedule No. 15 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of copper, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding or otherwise.*

§ 1309.55 *Records and reports.* Every person making purchases or sales of copper after August 12, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of:

(a) Each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity

in pounds or tons of each kind or grade purchased or sold; and

(b) The quantity, in pounds or tons, of copper (1) on hand, and (2) on order, as of the close of each calendar month. Persons affected by Price Schedule No. 15 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1309.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 15, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 15, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 15; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 15 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 15. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1309.57 *Modification of Price Schedule No. 15.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 15 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 15.*

§ 1309.58 *Definitions.* When used in Price Schedule No. 15, the term:

(a) "Person" means an individual, corporation, association, partnership, or other business entity.

(b) "Copper" means all copper metal refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, and shall include all such metal produced from domestic or imported ores, concentrates, or other copper bearing material, or scrap.

(c) "Carload lot" means the minimum quantity of copper required to obtain railroad carload rates from the point of shipment to the point of destination.

(d) "Dealer" means a person who receives physical delivery of copper and sells or holds the same for resale without change in form.*

§ 1309.59 *Effective date of Price Schedule No. 15.*

[This Schedule (§§ 1309.51 to 1309.60, inclusive) shall become effective on August 12, 1941]

This Price Schedule No. 15 (§§ 1309.51 to 1309.60, inclusive), as amended, shall become effective February 1, 1942. Deliveries of copper made prior thereto shall be governed by the terms of this Price Schedule No. 15 which were in effect on the date of such delivery.*

§ 1309.60 *Appendix A: Maximum prices—(a) Maximum base prices for copper, except casting copper, sold by a refiner or producer.*

Amount of shipment	Price
Carload.....	12¢ per pound delivered Connecticut Valley points.
Less than carload....	12 $\frac{1}{2}$ ¢ per pound f. o. b. refinery.

These maximum base prices are for electrolytic, lake or other fire refined copper in the shape of wire bars or ingot bars made to meet either the American Society of Testing Materials Standard specifications B 5-27 for electrolytic copper or B 4-27 for lake copper and sold by a refiner or producer.

(b) *Maximum base prices for casting copper.*

Amount of shipment	Price (f. o. b. shipping point)
More than 20,000 pounds....	11 $\frac{3}{4}$ ¢ per pound.
Less than 20,000 pounds....	12¢ per pound.

These maximum base prices are for casting copper in the shape of ingot bars or small ingots made by fire refining to a standard of 99.5 per cent pure including silver as copper.

(c) *Differentials for copper of other kinds or grades or in other shapes or forms.* For copper of any other kind or grade or in any other shape or form than that set forth in paragraph (a) or (b) of this section, the maximum price shall be the applicable maximum base price set forth in paragraph (a) or (b) of this section plus or minus the premium or discount for copper of such kind or grade, or in such shape or form which would customarily have been added to or subtracted from the base price on August 11, 1941.

(d) *Differentials for delivery of copper in carload lots at points other than Connecticut Valley points.* For copper, except casting copper, delivered in carload lots at any point other than a Connecticut Valley point the maximum price shall be the maximum base price set forth in paragraph (a) of this section, as adjusted pursuant to paragraph (c) of this section, plus or minus the delivery differential which on August 11, 1941 would customarily have been added to or subtracted from the base price.

The same delivery differentials shall apply to lake or other fire refined copper, except casting copper, as were applied to electrolytic copper on August 11, 1941.

(e) *Premiums on sales of copper in less than carload lots by other than refiners or producers.* Sales of copper in less than carload lots by other than a producer or refiner may be made f. o. b. shipping point but the maximum price f. o. b.

shipping point shall not exceed the maximum base price as set forth in paragraph (a) of this section, after the adjustments for the kind or grade, shape or form and delivery differentials provided for in paragraphs (c) and (d) of this section, plus the applicable one of the following quantity premiums:

Quantity	Price per pound (cents)
0-499 pounds.....	2
500-999 pounds.....	1½
1000-4999 pounds.....	1
5000 pounds to carload.....	¾

The premiums provided in this subsection shall not apply to casting copper.*
Issued this 12th day of August 1941.¹

LEON HENDERSON,
Administrator.

PART 1334—SUGAR

REVISED PRICE SCHEDULE NO. 16, RAW CANE SUGARS

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration.]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations. I find that the supplies of sugar are ample; in fact, they exceed those supplies which were required to satisfy consumption last year and are sufficient this year to provide consumers with the highest per capita consumption on record. The current sharp upswing of sugar prices is detrimental to the public interest and national defense, and will, if not stopped, cause serious dislocations.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1334.1 *Maximum prices for raw cane sugars.* On and after August 14, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as may be provided in a supplement or supplements to Price Schedule No. 16, no person shall sell, offer to sell, deliver or transfer raw cane sugars to any person, and no person shall buy, offer to buy, or accept delivery of raw cane sugars from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1334.9. These prices are gross prices before discounts of any nature are deducted, and they include all commissions and all other charges.*

[§ 1334.1 as amended January 26, 1942, effective January 26, 1942; 7 F.R. 544]

*§§ 1334.1 to 1334.12, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1334.2 *Less than maximum prices.* Lower prices than those set forth in § 1334.9, Appendix A, may be charged, demanded, paid, or offered.*

§ 1334.3 *Records.* Every person making purchases or sales of raw cane sugars

after August 14, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of:

(a) Each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity of each kind or grade purchased or sold; and

(b) The quantity of raw cane sugars (1) On hand, and (2) On order, as of the close of each calendar month.*

§ 1334.4 *Enforcement.* In the event of refusal or failure to comply with the price limitations, record requirements, or other provisions contained in Price Schedule No. 16, or in the event of any evasion or attempt to evade the price regulations or other provisions contained in Price Schedule No. 16, this Office will make every attempt to assure: (a) That the Congress and the public are fully informed of any failure to abide by the provisions of Price Schedule No. 16, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with Price Schedule No. 16 in the maintenance of the maximum prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitation set forth or of any evasion or of attempt to evade such requirements or of speculation or manipulation of the prices of sugar or of the hoarding or accumulation of unnecessary inventory thereof, are urged to communicate with the Office of Price Administration.*

§ 1334.5 *Supplements to Price Schedule No. 16.* In order to insure compliance with Price Schedule No. 16, supplements further defining its scope, and, if necessary, requiring reports to the Government will be issued from time to time when found appropriate.*

§ 1334.6 *Modification of Price Schedule No. 16.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 16 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1334.7 *Definitions.* When used in Price Schedule No. 16, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity;

(b) "Raw cane sugars" means any sugars which are principally of crystalline structure and which are to be further refined or improved in quality, and any sugars which are principally not of crystalline structure but which are to be further refined or otherwise improved in quality to produce any sugars principally of crystalline structure.*

§ 1334.8 *Effective date of Price Schedule No. 16.* (a) This Schedule (§§ 1334.1 to 1334.9, inclusive) shall become effective on August 14, 1941.*

§ 1334.9 *Appendix A: Maximum prices for raw cane sugars.* (a) Maximum prices per pound for raw cane sugars from offshore producing areas of 96 degrees polarization duty paid cost and freight basis shall be as follows:

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 3.74 cents.

(2) United States Atlantic ports north of New York, 3.76 cents.

(3) United States Atlantic ports south of Cape Hatteras and United States Gulf of Mexico ports, 3.73 cents.

(4) United States Pacific Coast ports, 3.74 cents less the customary deduction. Such deduction must be submitted to and approved by the Office of Price Administration as to amount before deliveries may be accepted.

(5) In the event that two or more ports of loading shall be used in Cuba, 0.01 cent per pound may be added to the above maximum prices.

(6) With respect to any sale of the sugars included in this paragraph (a) for forward delivery, a contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at quarantine at the port of destination, except that an annual or other similar long-term contract providing for several deliveries during the term of such contract may employ a method of averaging prices during such term: *Provided*, That (i) the average price for such term does not exceed a price obtained by averaging the maximum prices in effect during such term in accordance with the method employed in such contract; (ii) such contracts customarily were made between the parties thereto and such method of averaging prices was customarily used therein; and (iii) such contracts and evidence of the applicability of this exception thereto are submitted to and approved by the Office of Price Administration prior to the commission of any act in performance of such contracts.

(b) Maximum prices per pound for continental United States raw cane sugars of 96 degrees polarization shall be as follows:

(1) The maximum prices for such sugars are established at the raw sugar mill and shall be calculated by deducting from the maximum-price duty paid cost and freight basis payable for Cuban sugars of like test at the nearest customs port of entry in the area in which the raw sugar mill is located the transportation charge per pound based on the published freight rate from such raw sugar mill to the refinery nearest freightwise to such raw sugar mill. This maximum price is f. o. b. the conveyance for delivery to the refinery from the raw sugar mill. The maximum price delivered to the refinery shall be this maximum raw sugar mill price plus actual transportation charges from said raw sugar mill to the refinery processing such sugar.

(2) With respect to any sale of the sugars included in this paragraph (b):

(i) A contract may provide for averaging the prices during the season in accordance with the customary method: *Provided*, That (a) the average price for the season does not exceed a price obtained by averaging the maximum prices in effect during the season in accordance

*Issued: 6 F.R. 4008. Amended: 6 F.R. 4535. Preamble amended and Sections renumbered and amended 7 F.R. 283.

with such method; and (b) the season used in determining the average price commences not later than the date fixed by the United States Department of Agriculture pursuant to the Sugar Act of 1937, as amended, as the beginning of the sugarcane marketing season and terminates not later than the date fixed by the United States Department of Agriculture pursuant to said Act as the termination of said season.

(ii) A contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at the buyer's warehouse or place of business. In the event that more than one delivery is made pursuant to the same contract, the adjustment of the price and the payment thereof shall be made in respect to each delivery separately.

(c) Adjustment for polarization:

The maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to August 14, 1941. It is not required that such method be used. However, the maximum prices for the various tests shall not exceed the prices obtained by applying such method for sugars of like test.*

[§ 1334.9 as amended January 26, 1942, effective January 26, 1942; 7 F.R. 544]

§ 1334.10 *Application to carry out certain forward delivery contracts.* To provide for carrying out certain forward delivery contracts in accordance with § 1334.1, any person who, prior to August 14, 1941, entered into a forward delivery contract calling for the delivery or transfer, after that date, of raw cane sugars at prices higher than the maximum prices established by Price Schedule No. 16 may make application to the Office of Price Administration on form 116.1 which will be furnished upon request, for permission to carry out such contracts at the contract price. Such permission will be granted if it is found that hardship will result from a denial thereof. Such applications shall be filed with the Office of Price Administration on or before September 15, 1941.*

[§ 1334.10 added by supplement August 22, 1941, effective August 23, 1941; 6 F.R. 4371]

§ 1334.11 *Provision for liquidation of futures positions established prior to August 14, 1941.* Liquidation of a position or positions, long or short, established prior to August 14, 1941, in No. 3 contract on the New York Coffee and Sugar Exchange, Inc., which has been or which shall be made, is hereby excepted from the operation of the provisions of §§ 1334.1 to 1334.10, inclusive, Price Schedule No. 16.*

[§ 1334.11 added by supplement September 19, 1941, effective September 20, 1941; 6 F.R. 4843]

§ 1334.12 *Evasion.* The price limitations established by Price Schedule No. 16 shall not be evaded whether by direct or indirect methods in connection with a

purchase, sale, delivery, or transfer of raw cane sugars, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement, or other trade understanding, or by shifting the incidence of a cost which customarily has been borne by the buyer or the seller to the other party to the contract, or by any other means.*

[§ 1334.12 added by amendment January 26, 1942, effective January 26, 1942; 7 F.R. 544]

Issued this 13th day of August, 1941.†

LEON HENDERSON,
Administrator.

PART 1333—TIN

REVISED PRICE SCHEDULE NO. 17—PIG TIN

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

The Office of Price Administration being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined, after full investigation and after conference with representatives of the trade, that the establishment of maximum prices for pig tin is essential in order to accomplish these purposes and is in the interest of national defense and national welfare and that the maximum prices set forth herein are fair and reasonable.

This action is necessary because the current situation in the Far East, from which the United States imports almost all metallic tin used in this country, makes uncertain the continuance of an adequate supply of this strategic metal. An increased demand, accompanied by a fear of a decrease in supply, has already had an inflationary effect upon the price of tin and threatens to exert even greater inflationary pressure in the future.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1333.1 *Maximum prices for pig tin.* On and after August 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1333.4 hereof, no person shall sell, offer to sell, deliver or transfer, pig tin, and no person shall buy, offer to buy, or accept delivery of pig tin at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1333.10.*

*§§ 1333.1 to 1333.10, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1333.2 *Less than maximum prices.* Lower prices than those set forth in § 1333.10, Appendix A, may be charged, demanded, paid or offered.*

§ 1333.3 *Evasion.* The price limitations set forth in Price Schedule No. 17 shall not be evaded either by direct or

† Issued: 6 F.R. 4063, Supplement 1: 6 F.R. 4371. Supplement 2: 6 F.R. 4843. Amended: 6 F.R. 5469; 7 F.R. 123, 544.

indirect methods in connection with a purchase, sale, delivery, or transfer, of pig tin alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1333.4 *Exemption from Price Schedule No. 17 of firm commitments entered into prior to August 16, 1941.* Firm commitments entered into prior to August 16, 1941, for the sale of pig tin at prices higher than the maximum prices established in Price Schedule No. 17, may be completed at contract prices provided that:

(a) Full details of each such commitment and such other pertinent information as may be requested, be reported by the seller to the Office of Price Administration on or before August 30, 1941, on forms which may be obtained from said Office, and

(b) All deliveries at prices higher than the maximum prices established by Price Schedule No. 17 be completed on or before December 31, 1941, or such later date as may be permitted upon application made in each such case to the Office of Price Administration.*

§ 1333.5 *Records.* Every person making purchases or sales of pig tin on or after August 16, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than five years, complete and accurate records of (a) every such purchase and sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity, in pounds or tons, of each kind or grade purchased or sold, and (b) the quantity, in pounds or tons, of pig tin (1) on hand, and (2) on order, as of the close of each calendar month.*

§ 1333.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 17, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 17, this Office will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with Price Schedule No. 17. Persons who have evidence of the offer, receipt, demand or payment of prices above those herein set forth, or of any evasion of or effort to evade the provisions hereof, or of speculation, or manipulation of prices of pig tin for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1333.7 *Modification of Price Schedule No. 17.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 17 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1333.8 *Definitions.* When used in Price Schedule No. 17, the term:

(a) "Person" includes an individual, partnership, association, corporation or other business entity.

(b) "Pig tin" means pig tin of the kinds and grades set forth in § 1333.10, Appendix A, of Price Schedule No. 17.

§ 1333.9 *Effective date of Price Schedule No. 17.* This Schedule (§§ 1333.1 to 1333.10, inclusive) shall become effective August 16, 1941.*

§ 1333.10 *Appendix A: Maximum prices for pig tin—(a) Maximum prices for standard grades of pig tin.*

Grade	Maximum price (per pound)
A. 99.80% or higher percentage of purity, meeting specifications set forth in "Specifications and Proposals for Supplies, No. 8-14", issued December 15, 1939, by the U. S. Treasury Department, Procurement Division, except that pig tin of this grade need not be free of scrap and remelted metal.	\$0.52
B. 99.75% to 99.79% pure, inclusive; and 99.80% or higher percentage of purity which does not otherwise meet the specifications of Grade A.	.51625
C. Cornish Refined.	.51625
D. 99.00% to 99.74% pure, inclusive.	.51125
E. Below 99% pure.	.51 for tin content

(b) *Differentials for freight rates.* The above maximum prices are, in the case of foreign pig tin, ex dock or store, Port of New York, and, in the case of domestic pig tin, ex producer's plant. The maximum prices of foreign pig tin which is imported through ports of entry other than the Port of New York shall be ex dock or store at the actual port of entry and shall be as much more or as much less than the above prices as the ocean freight from the point of shipment to the actual port of entry exceeds or is less than the ocean freight from such point of shipment to the port of New York. Foreign pig tin which is physically present at or is sold for shipment from a point other than the port at which it was entered, and domestic pig tin which is physically present at or is sold for shipment from a point other than the producer's plant, may be sold at prices, f. o. b. such point of physical presence or of shipment, which exceed the above maximum prices by no more than the domestic shipping charges which have actually been paid or must be paid in order to transport such pig tin to such point of physical presence or of shipment.

(c) *Differentials for sales in lots of less than five gross tons.*

For sales of pig tin in lots of:	There may be added to the maximum price (cents per pound)
2,240 to 11,199 pounds, inclusive.	1
1,000 to 2,239 pounds, inclusive.	1½
500 to 999 pounds, inclusive.	2½
Under 500 pounds.	3

[§ 1333.10 as amended September 19, 1941, effective September 19, 1941; 6 F.R. 4821]

Issued this 14th day of August 1941.¹

LEON HENDERSON,
Administrator.

¹Issued: 6 F.R. 4076. Amended: 6 F.R. 4821.

PART 1339—BURLAP AND BURLAP PRODUCTS

REVISED PRICE SCHEDULE NO. 18—BURLAP

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

Burlap, virtually all of which is imported from India, is widely used for packaging feed, fertilizer, and agricultural and industrial products. It is also extensively employed in the manufacture of floor covering, furniture, and other goods.

During the past twelve months prices of spot burlap in New York have risen more than one hundred percent. These increases, which have raised the price of burlap considerably above the highest prices in recent years, have added unjustifiable costs to American agriculture as well as to industry and the ultimate consumer.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1339.1 *Maximum prices for burlap.* On and after August 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1339.4 hereof, no person shall sell, offer to sell, deliver, or transfer burlap, and no person shall buy, offer to buy, or accept delivery of burlap at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1339.11.*

*§§ 1339.1 to 1339.11, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1339.2 *Less than maximum prices.* Lower prices than those set forth in § 1339.11, Appendix A, may be charged, demanded, paid, or offered.*

§ 1339.3 *Evasion.* The price limitations set forth in Price Schedule No. 18 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of burlap, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1339.4 *Permission to carry out contracts entered into prior to August 16, 1941.* Any person who, prior to August 16, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date of burlap at prices higher than the established maximum prices, may make application to the Office of Price Administration, on Form 118:1 provided for that purpose, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only to the extent necessary to protect the applicant against loss in the disposition of inventory acquired prior to August 16, 1941, at prices higher than the established maximum prices and held by the applicant on that date. Such application shall be filed with the Office of Price Administration on or before October 1, 1941.*

§ 1339.5 *Records.* Every person making purchases or sales of burlap after August 16, 1941, shall keep for inspection by the Office of Price Administration

for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity of each kind or construction, and the type of transaction (i. e., spot or float).*

§ 1339.6 *Affirmations of compliance.* On or before September 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold, or delivered, or purchased, or accepted delivery of burlap, shall submit to the Office of Price Administration an affirmation of compliance on Form 118:2 containing a sworn statement that during the month all such sales, purchases, or deliveries were made at prices in conformity with Price Schedule No. 18 or with any exception or modification thereof. Copies of Form 118:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style or content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1339.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 18 or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 18, this Office will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with Price Schedule No. 18. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of burlap for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.

§ 1339.8 *Modification of Price Schedule No. 18.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 18 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1339.9 *Definitions.* When used in Price Schedule No. 18, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Burlap" means jute burlap (whether new, stained, second hand, or re-sewn) of the constructions listed in § 1339.11, Appendix A, when either (1) in the United States available for immediate delivery or (2) aboard vessels en route to the United States.*

[§ 1339.9 as amended February 7, 1942, effective February 7, 1942; 7 F.R. 906]

§ 1339.10 *Effective date of Price Schedule No. 18.* This Price Schedule (§§ 1339.1 to 1339.11, inclusive) shall become effective August 16, 1941.*

§ 1339.11 *Appendix A: Maximum prices for burlap.* There are two maximum prices for the enumerated constructions of burlap established by Price Schedule No. 18, depending upon the date of actual delivery of the burlap to the purchaser. For burlap actually delivered on or before December 31, 1941, the maximum prices which may be paid are the prices set forth in Column I. For burlap delivered after that date, the maximum prices are the prices set forth in Column II.

Prices per yard, ex dock port of discharge, duty paid

Construction	I Maximum prices for deliveries made on or before December 31, 1941	II Maximum prices for deliveries made on and after January 1, 1942
40" 7½ oz.....	8.40¢	8.00¢
40" 8 oz.....	8.90¢	8.50¢
40" 10 oz.....	11.10¢	10.60¢
40" 10½ oz.....	11.60¢	11.00¢
36" 7½ oz.....	7.85¢	7.40¢
36" 8 oz.....	8.15¢	7.70¢
36" 10 oz.....	10.15¢	9.70¢
40" 9 oz.....	9.15¢	8.65¢
36" 9 oz.....	9.15¢	8.75¢
40" 12 oz.....	13.35¢	12.70¢
36" 12 oz.....	12.15¢	11.55¢
45" 7½ oz.....	9.55¢	9.10¢
45" 8 oz.....	10.00¢	9.50¢
45" 10 oz.....	12.50¢	11.95¢
32" 7½ oz.....	6.95¢	6.60¢
32" 10 oz.....	9.15¢	8.70¢
32" 8 oz.....	7.25¢	6.90¢

The maximum prices set forth above are for burlap sold or delivered in quantities of 25 bales or more. For burlap sold in quantities of less than 25 bales the customary premiums may be charged, but in no case shall the prices f. o. b. shipping point exceed the maximum prices set forth above plus ten percent.

The maximum prices established by Price Schedule No. 18 do not apply to burlap sold in quantities of less than one bale.*

The maximum price for re-sewn burlap which contains more than one of the above constructions shall be the maximum price for the construction contained therein which has the lowest established maximum price.*

[The last paragraph of § 1339.11 added by amendment February 7, 1942, effective February 7, 1942; 7 F.R. 906]

Issued this 15th day of August 1941.¹

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS
REVISED PRICE SCHEDULE NO. 19—SOUTHERN
PINE LUMBER

[Issued by the Office of Price Administration and Civilian Supply and adopted by the Office of Price Administration]

Southern pine lumber is widely used in the construction industry for exterior and interior finish, framing, millwork, sheathings, floorings, and sub-floorings, and in the manufacture of motor ve-

hicles, low grade furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects, and factories. The increased use of southern pine lumber stemming from the defense program and the accompanying expanded economic activity has caused demand to exceed supply. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Warnings to industry members to reduce prices to reasonable levels have failed to secure more than temporary price reductions. Those producers who have manifested a willingness to cooperate with the Government have been unable effectively to keep prices down because of the large number of operators who have consistently maintained high prices. Under these circumstances, voluntary cooperation with the request of the Office of Price Administration to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.26 *Maximum prices for Southern pine lumber.* On and after November 24, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1312.33 hereof, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any southern pine lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.34: *Provided*, That in the case of retail sales as defined in § 1312.32, where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than \$3.50 per 1,000 feet board measure may be added to the maximum prices set forth in § 1312.34, Appendix A.*

[§ 1312.26 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

*§§ 1312.26 to 1312.34, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.27 *Less than maximum prices.* Lower prices than those set forth in § 1312.34, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.28 *Evasion.* The price limitations set forth in Price Schedule No. 19 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of southern pine lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on September 5, 1941; or by unnecessarily routing lumber through a distribution yard; or by unreasonable refusing to ship except in mixed cars or trucks, or in specified lengths, or under other circum-

stances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery; or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

[§ 1312.28 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.29 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of southern pine lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 19 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1312.29 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.30 *Enforcement.* In the event of refusal or failure to abide by the price limitations and other provisions contained in Price Schedule No. 19, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 19, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who conform to Price Schedule No. 19, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 19. Persons who have evidence of the demand of prices above the limitations set forth, of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern pine lumber, or the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[§ 1312.30 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.31 *Modification of Price Schedule No. 19.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 19 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 19.*

[§ 1312.31 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.32 *Definitions.* When used in Price Schedule No. 19, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, man-

¹Issued: 6 F.R. 4145, August 19, 1941. Amended: 7 F.R. 906, February 10, 1942.

ufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "southern pine" means the species of shortleaf pine (*Pinus eschinata*), loblolly pine (*Pinus taeda*), slash pine (*Pinus caribaea*), such longleaf pine (*Pinus palustris*) as contains less than six annual rings per inch and less than one-third summerwood, or any other *Pinus* species known commercially as "southern pine."

[Paragraph (b) as corrected November 21, 1941, effective November 24, 1941; 6 F.R. 5935]

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which sells less than 75 percent of the volume of its southern pine lumber at retail and which processes, by sawing, or by planing or other comparable method, at least 25 percent of the volume of southern pine logs or lumber purchased or received by it.

[Paragraph (c) as amended September 3, 1941, effective September 5, 1941; 6 F.R. 4588]

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern pine logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which (1) processes, by sawing, or by planing or other comparable method, less than 25 percent of the volume of such logs or lumber so purchased or received by it, or (2) regardless of the percentage of such processing, sells more than 75 percent of the volume of its southern pine lumber at retail.

[Paragraph (d) as amended September 3, 1941, effective September 5, 1941; 6 F.R. 4588]

(e) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, maintenance, or fabrication, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck, the maximum retail sale quantity shall be 20,000 feet board measure. For the purpose of this subparagraph, the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser, and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.

[Paragraph (e) as amended November 18, 1941 effective November 24, 1941; 6 F.R. 5876]

(f) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months

immediately prior to the transaction subject to Price Schedule No. 19.

[Paragraph (f) added by amendment September 3, 1941, effective September 5, 1941; 6 F.R. 4588]

(g) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser to whom the lumber has been previously sold.*

[Paragraph (g) added by amendment November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.33 *Effective date of Price Schedule No. 19.*

§ 1312.34 *Appendix A: Maximum prices for Southern pine lumber—(a) Maximum f. o. b. mill prices per 1,000 feet board measure.*

BOARDS AND STRIPS (ROUGH GREEN)

Grade	Standard length ¹	8' length	9' length	10' length	12' length	14' length	16' length	18' and 20' length
No. 1:								
1x3.....	\$34.00	\$34.00	\$33.00	\$33.00	\$35.00	\$35.00	\$36.50	\$37.00
1x4.....	32.00	32.00	33.00	33.00	33.00	33.00	34.00	35.00
1x6.....	32.00	32.00	33.00	33.00	33.00	33.00	34.00	35.00
1x8.....	33.00	33.00	34.00	34.00	34.00	34.00	35.00	36.00
1x10.....	35.00	35.00	36.00	36.00	36.00	36.00	37.00	38.00
1x12.....	43.00	43.00	44.00	44.00	44.00	44.00	45.00	46.00
No. 2:								
1x2 and 3.....	25.00	25.00	27.00	28.00	28.00	28.00	28.00	30.00
1x4.....	23.00	23.00	24.00	25.00	25.00	25.00	25.00	27.00
1x6.....	23.00	23.00	23.00	23.00	27.00	27.00	28.00	30.00
1x8.....	25.00	25.00	25.00	27.00	27.00	27.00	28.00	30.00
1x10.....	25.00	25.00	25.00	28.00	28.00	28.00	29.00	31.00
1x12.....	30.00	30.00	33.00	33.00	34.00	34.00	34.00	37.00
No. 3:								
1x4.....	19.00	19.00	20.00	21.00	21.00	21.00	21.50	23.00
1x6.....	20.00	20.00	21.00	22.00	22.00	22.00	23.00	25.00
1x8.....	20.00	20.00	21.00	22.00	22.00	22.00	23.00	25.00
1x10.....	20.00	20.00	23.00	23.00	24.00	24.00	24.50	26.00
1x12.....	21.00	21.00	24.00	24.00	25.00	25.00	25.50	28.00

Additions to Rough Green Prices:

For Rough, Air Dried, add \$2.00.
For Rough, Kiln Dried, add \$3.00.
For S1S, S2S, S3S, S4S, S2S & Matched, or Shiplog, Standard or Thinner, add \$1.00.
For Rippling or Resawing, add \$1.00 per 1,000 board feet for each cut.
For Chemical Anti-Stain Treatment, add 50¢ to the Green or Air Dried prices but not to Kiln Dried prices.
Where a restricted Standard Length is specified, 8' to 16' or longer, add \$1.00.
Odd lengths or Fractional lengths shall be counted and priced as next longest even length.

¹ Standard Lengths are 4' to 20' inclusive, in multiples of 2', and the following percentage of short lengths may be included in all shipments in which the lengths are not specifically restricted:

No. 1.....	5% 8-foot.
No. 2.....	5% 4-foot.
	5% 6-foot.
	5% 8-foot.
No. 3 and No. 4—5" and wider.....	5% 4-foot.
	5% 6-foot.
	5% 8-foot.
No. 3 and No. 4—3" to 6" widths may be 25% under 10-foot.	

DIMENSION (ROUGH GREEN)

Grade	Random length	8' length	9' length	10' length	12' length	14' length	16' length	18' length	20' length	22' and 24' length
No. 1:										
2x3.....	\$31.00	\$31.00	\$32.00	\$31.00	\$31.00	\$32.00	\$33.00	\$34.50	\$35.50	\$40.00
2x4.....	30.00	30.00	31.00	30.00	30.00	31.00	32.00	33.50	34.50	39.00
2x6.....	29.00	29.00	30.00	29.00	29.00	30.00	30.50	32.50	33.50	38.00
2x8.....	30.00	30.00	31.00	30.00	30.00	31.00	31.50	33.50	34.50	40.00
2x10.....	33.00	33.00	33.00	35.00	35.00	35.00	36.00	39.50	41.50	46.00
2x12.....	35.00	35.00	35.00	37.00	37.00	37.00	38.00	41.50	43.50	48.00
No. 2:										
2x3.....	27.00	27.00	28.00	27.00	27.00	28.00	29.00	30.50	31.50	36.00
2x4.....	26.00	26.00	27.00	26.00	26.00	27.00	28.00	29.50	30.50	34.00
2x6.....	21.00	21.00	22.00	21.00	21.00	22.00	23.00	24.50	25.50	30.00
2x8.....	25.00	25.00	26.00	25.00	25.00	26.00	26.50	28.50	29.50	35.00
2x10.....	26.00	26.00	27.00	26.00	26.00	27.00	28.00	30.00	31.00	36.00
2x12.....	28.00	28.00	29.00	28.00	28.00	29.00	30.00	32.00	33.00	40.00
No. 3:										
2x3.....	19.00	20.00	21.00	20.00	20.00	21.00	22.00	23.50	24.50	28.00
2x4.....	18.00	19.00	20.00	19.00	19.00	20.00	21.00	22.50	23.50	27.00
2x6.....	16.00	17.00	18.00	17.00	17.00	18.00	19.00	20.50	21.50	25.00
2x8.....	17.00	18.00	19.00	18.00	18.00	19.00	20.00	21.50	22.50	26.00
2x10.....	18.00	19.00	20.00	19.00	19.00	20.00	21.00	22.50	23.50	27.00
2x12.....	20.00	21.00	22.00	21.00	21.00	22.00	23.00	24.50	25.50	29.00

Additions to Rough Green prices:

For Rough, Air Dried, add \$2.00.
For Rough, Kiln Dried, add \$3.00.
For S1S, S2S, S3S, S4S, add \$1.00.
For working to Shiplog, Center Match, Dressed and Matched, or Grooved, add \$2.00 to Rough prices.
For Rippling or Resawing, add \$1.00 per 1,000 board feet for each cut.
For Chemical Anti-Stain Treatment, add 50¢ to Green or Air Dried prices but not to Kiln Dried prices.
Random Lengths may be 8' to 16' or longer.
Odd or Fractional Lengths, except 9', shall be counted and priced as next longest even length.

TIMBERS, GREEN, ROUGH, S4S OR S2S

§ 1312.34 Appendix: Maximum prices for Southern pine lumber—(a) Maximum f. o. b. mill prices per 1,000 feet board measure—Continued.

FLOORING (NO HEART SPECIFICATION), PLAIN END, KILN DRIED, STANDARD LENGTHS¹

	Grade B and better	Grade O	Grade D	Grade No. 2	Grade No. 3
Edge grain:					
1 x 3	\$65.00	\$60.00	\$42.00		
1 x 4	66.00	63.00	40.00		
Near edge grain:					
1 x 3	61.00	53.00	37.00		
1 x 4	62.00	51.00	35.00		
Flat grain:					
1 x 3	53.00	50.00	35.00	\$30.00	\$20.00
1 x 4	52.00	40.00	34.00	28.00	18.00

Add \$2.00 for Specified Lengths.

Add \$2.00 for End-Matching Standard Length Flooring.

¹ Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9-foot.
C	5% 6 and/or 7-foot.
D and No. 2	5% 8 and/or 9-foot.
	5% 6 and/or 7-foot.
	5% 4 and/or 5-foot.
	5% 6 and/or 7-foot.
No. 3	5% 8 and/or 9-foot.
	5% 6 and/or 7-foot.

Not to exceed 20% 4- and 6-foot lengths.

FLOORING (NO HEART SPECIFICATION), END MATCHED, KILN DRIED, 2' TO 8' NESTED

	Grade B and better	Grade O	Grade D
Edge Grain:			
1 x 3	\$90.00	\$53.00	\$38.00
1 x 4	88.00	51.00	36.00
Near Edge Grain:			
1 x 3	55.00	50.00	36.00
1 x 4	54.00	49.00	34.00
Flat Grain:			
1 x 3	45.00	42.00	28.00
1 x 4	44.00	41.00	27.00

DROP SIDING, KILN DRIED STANDARD LENGTHS¹

	Grade B and better	Grade O	Grade D	Grade No. 2	Grade No. 3
Drop Siding Patterns 115, 117, 118, 119:					
Plain End 6"	\$40.00	\$43.00	\$39.00	\$31.00	\$25.00
Plain End 8"	43.00	45.00	40.00	32.00	25.00
Drop Siding all other patterns:					
Plain End 6"	61.00	48.00	39.00	31.00	25.00
Plain End 8"	57.00	54.00	40.00	32.00	25.00
Bevel Siding 6"	45.00	42.00	33.00	28.00	20.00
Bevel Siding 8"	39.00	36.00	28.00	24.00	17.00

STANDARD BEADED OR V-GROOVED CEILING, KILN DRIED STANDARD LENGTHS¹

	Grade B and better	Grade O	Grade D	Grade No. 2	Grade No. 3
Plain End:					
1 1/2" x 3 1/2"	\$49.00	\$46.00	\$34.00	\$23.00	
3 1/2" x 3 1/2"	40.00	38.00	30.00	28.00	

Add \$2.00 for Specified Lengths.

¹ Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8- and/or 9-foot.
C	5% 6- and/or 7-foot.
D and No. 2	5% 8- and/or 9-foot.
	5% 6- and/or 7-foot.
	5% 4- and/or 5-foot.
	5% 6- and/or 7-foot.
No. 3	5% 8- and/or 9-foot.
	5% 6- and/or 7-foot.

Not to exceed 20% 4- and 6-foot.

	No. 1 common		No. 2 common	
	8' to 16'	18' and 20'	8' to 16'	18' and 20'
3 x 3 to 4 x 4	\$32.00	\$30.00	\$29.00	\$33.00
3 x 6 to 6 x 6	30.00	34.00	27.00	31.00
3 x 6 to 6 x 8	32.00	36.00	28.00	32.00
3 x 8	34.00	38.00	30.00	34.00
3 x 10 to 10 x 10	35.00	39.00	31.00	35.00
3 x 12 to 12 x 12	40.00	44.00	36.00	40.00

Add \$2.00 for Shiplap or T&G.

Add \$4.00 for Beveling or Outganging.

For odd sizes, price at next larger even size.

Odd or fractional lengths, except 9' and 7' shall be counted and priced as next longest even length.

OAR MATERIAL

	9' length	10' length	12' length	14' length	16' length	18' and 20' length
LINING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Select (Par. 59 AAR Rules): ¹						
1 x 4 and 1 x 6	\$90.00	\$85.00	\$87.00	\$90.00	\$92.0	\$98.00
Common (Par. 60 AAR Rules): ¹	40.00	35.00	37.00	40.00	42.00	45.00

VERTICAL SHEATHING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)

	9' length	10' length	12' length	14' length	16' length	18' and 20' length
VERTICAL SHEATHING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Select (Par. 51 AAR Rules): ¹						
1 x 4 and 1 x 6	\$90.00	\$85.00	\$87.00	\$90.00	\$92.00	\$98.00
Common (Par. 52 AAR Rules): ¹	50.00	45.00	47.00	50.00	52.00	58.00

LONGITUDINAL SHEATHING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)

	9' length	10' length	12' length	14' length	16' length	18' and 20' length
LONGITUDINAL SHEATHING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Select (Par. 53 AAR Rules): ¹						
2 x 6	\$67.00	\$62.00	\$64.00	\$67.00	\$69.00	\$72.00
Common (Par. 54 AAR Rules): ¹	47.00	42.00	44.00	47.00	49.00	52.00

FLOORING DECKING (KILN DRIED OR AIR DRIED AND DRESSED TO ALL PATTERNS AND SIZES)

	9' length	10' length	12' length	14' length	16' length	18' and 20' length
FLOORING DECKING (KILN DRIED OR AIR DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Common (Par. 58 AAR Rules): ¹						
2 x 6 and 2 x 8	\$44.50	\$42.50				
2 1/4, 2 1/2, 2 3/4, and 3" x 8" and 8" x 12"	47.50	45.50				
For Dense Flooring (Decking) Add \$2.50.						

¹ Specifications for car material (designated above as "AAR Rules") correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M 207-33, adopted, 1910; revised, 1933.

For final inspection at the point of destination, rather than at the shipping point, add \$5.00.

For grades and specifications other than those contained in the A. A. R. Rules, the minimum price shall be the price for the A. A. R. grade and specification which most closely corresponds to the grade and specification of the car material item involved in the sale governed by this Schedule.

Odd and fractional lengths, except 9', shall be counted and priced as next longest even length.

¹ Specifications for car material (designated above as "AAR Rules") correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M 207-33, adopted, 1910; revised, 1933.

(b) For mixed car or mixed truck shipments, \$1.00 additional per 1,000 feet board measure may be charged. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each.

feet each, or at least six items amount to not less than 250 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, mouldings, partition, ceiling, siding, plain end flooring, end matched flooring, shiplap, boards, strips, dimension, or timbers.

(c) For export sales, an addition of not more than \$3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt the estimated average weights of southern pine per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows:

BOARDS AND STRIPS

1x2" to 1x10" Rough	3,200
1x12" Rough	3,300
1x2" to 1x10" S1S or S2S 25/32"	2,500
1x12" S1S or S2S 25/32"	2,600
1x2" to 1x10" S3S or S4S 25/32"	2,400
1x12" S3S or S4S 25/32"	2,500
1x2" to 1x4" D&M	1,900
1x6" D&M or Shiplap	2,200
1x8" to 1x10" D&M or Shiplap	2,300
1x12" D&M or Shiplap	2,400
For 3/4" dressed boards, deduct	100
For 5/8" boards, all workings, deduct	500
For 1 1/8" boards, all workings, deduct	300
For 1 1/4" boards, all workings, add	100
For resawing, deduct for each cut	200
For Ripping, no deduction	---
For 1 1/4" and 1 1/2", add	300

DIMENSION

(2" Dimension, Factory Flooring, and Roof Decking)

2x4" to 2x12" Rough green	4,500
2x4" to 2x12" Green, dressed 1 1/8"	3,800
2x2" to 2x8" Rough	3,300
2x10" & 2x12" Rough	3,400
2x2" to 2x8" Dressed to 1 1/8"	2,500
2x10" & 2x12" Dressed to 1 1/8"	2,600
For 1 1/4", add	400
For D&M, SL & Gr. for splines, deduct	200

FLOORING

(Plain End and End Matched)

1x8" (for Hollow Back deduct 100 lbs.)	1,800
1x4" (for Hollow Back deduct 100 lbs.)	1,900

DROP SIDING

1x6" (Pat. 116)	2,000
1x8" (Pat. 116)	2,100
1x6" (Pat. 117)	1,700
1x8" (Pat. 117)	1,800
1x6" (other patterns)	1,800
1x8" (other patterns)	1,900
Bevel and SE Siding from 1"	1,000
Bevel and SE Siding from 1 1/4"	1,300

STANDARD BEADED OR V-GROOVED CEILING

1 1/16"	1,700
3/4"	1,800
5/16"	1,400

*The figures given refer to dry weight, except where otherwise specified.

TIMBERS

(Heavy Joists, Timbers, etc. [over 2" thick])

Rough, green	4,500
S4S 1 1/2" scant, green	4,200
S4S 3/4" scant, green	4,000
S4S 1 1/2" scant, green	3,800
T&G, SL & Gr. for splines, deduct	300

CAR MATERIAL

VERTICAL SHEATHING, LINING

4" and 6" 1 1/2" T&G	2,200
4" and 6" 1 1/2" S2S	2,600
For 2 1/2" thickness, deduct	100

LONGITUDINAL SHEATHING

4" T&G 1 1/4"	2,400
4" T&G 1 1/8"	2,300
4" T&G 1 1/2"	2,100
4" S2S to 1 1/4"	2,900
4" S2S to 1 1/8"	2,900
4" S2S to 1 1/2"	2,500
6" T&G to 1 1/4"	2,500
6" T&G to 1 1/8"	2,400
6" T&G to 1 1/2"	2,200
6" S2S to 1 1/4"	2,900
6" S2S to 1 1/8"	2,700
6" S2S to 1 1/2"	2,500

FLOORING (CAR DECKING)

6" and 8", S2S to 1 1/4, 2 1/2, 2 3/4, and 3", Dry	3,000
6" and 8", S2S to 1 1/4, 2 1/2, 2 3/4, and 3", Green	4,200
6" and 8", S2S and T&G to 2 1/2, 2 3/4, and 3", Dry	2,700
6" and 8", S2S and T&G to 1 1/4, 2 1/2, 2 3/4, and 3" Green	3,500
6" and 8", S2S and T&G to 1 1/4", Dry	2,600
6" and 8", S1S 1/2" scant, Dry	3,200
Rough, Green	4,500
Rough, Dry	3,400

[§ 1312.34 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

Issued this 16th day of August, 1941.

LEON HENDERSON,
Administrator.

PART 1309—COPPER

REVISED PRICE SCHEDULE NO. 20—COPPER AND COPPER ALLOY SCRAP*

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

[The provisions of Price Schedule No. 20, shown in small type are in force and effect until February 27, 1942, when they are superseded by the provisions shown in larger type]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper scrap is a basic material for the production of electrolytic copper, copper ingot and copper alloy ingot, all of which are important in the manufacture of many defense products. Requirements of the defense program have increased the demand for copper scrap causing its price to rise above levels which are in proper relation to the price level of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. As a consequence, it has become difficult and in some cases impossible for the trade to cooperate with the Government in preventing inflationary price movements. On the basis of information secured by independent investigation by this Office, and after consultation with the trade, I find that the maximum prices set forth be-

*Issued: 6 F.R. 4142. Amended: 6 F.R. 4588, 5876. Corrected: 6 F.R. 5935.

*Title changed from "Copper Scrap" by amendment February 5, 1942, effective February 27, 1942; 7 F.R. 815.

low constitute reasonable limitations on the price of copper scrap.

[Preceding preamble, in small type, superseded by the following preamble]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper and copper alloy scrap is a basic material for the production of electrolytic copper, copper ingot, copper alloy ingot, and non-ferrous castings, all of which are important in the manufacture of defense products. Requirements of the war effort have increased the demand for copper and copper alloy scrap, causing its price to rise above levels which are in proper relation to the price level of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. As a consequence, it has become difficult and in some cases impossible for the trade to cooperate with the Government in preventing inflationary price movements. On the basis of information secured by independent investigation by this Office, and after consultation with the trade, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper and copper alloy scrap.

[Preamble as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1309.61 *Maximum prices for copper scrap.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase or other commitment, except as provided in §§ 1309.64 and 1309.69 hereof, no person shall sell, offer to sell, deliver, or transfer copper scrap, and no person shall buy, offer to buy, or accept delivery of copper scrap at prices higher than the maximum prices set forth in Appendix A hereof incorporated herein as § 1309.70.*

[Preceding § 1309.61, as amended October 10, 1941, effective October 17, 1941, in small type, superseded by following § 1309.61]

§ 1309.61 *Maximum prices for copper and copper alloy scrap.* On and after February 27, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer copper or copper alloy scrap to a consumer, and no consumer shall buy, offer to buy, or accept delivery of copper or copper alloy scrap at prices higher than the maximum prices set forth in Appendix A hereof incorporated herein as § 1309.69.*

[§ 1309.61 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

[*§§ 1309.61 to 1309.70, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.]

*§§ 1309.61 to 1309.69, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.62 *Less than maximum prices.* Lower prices than those set forth in § 1309.69, Appendix A, may be charged, demanded, paid, or offered.*

§ 1309.63 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in

connection with a purchase, sale, delivery or transfer of copper scrap, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

[Preceding § 1309.63, in small type, superseded by following § 1309.63]

§ 1309.63. *Evasion.* The price limitations set forth in Price Schedule No. 20 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of copper or copper alloy scrap, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

[§ 1309.63 as amended, February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.64 *Permission to carry out contracts entered into prior to August 19, 1941.* Any person who, prior to August 19, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of copper scrap at prices higher than the maximum prices established by this Schedule prior to October 17, 1941, may make application to the Office of Price Administration on forms which will be furnished upon request, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only when necessary to protect the applicant against loss in the disposition of inventory acquired prior to August 19, 1941 at prices higher than the maximum prices heretofore established by this Schedule and held on that date by (a) the applicant, or (b) any other person for delivery to the applicant under a firm commitment entered into with the applicant prior to August 19, 1941. Such application shall be filed with the Office of Price Administration on or before October 19, 1941.*

[Preceding § 1309.64, in small type, revoked by amendment February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.65 *Records and reports.* Every person making purchases or sales of copper scrap after August 19, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity in pounds or tons of copper scrap (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[Preceding § 1309.65, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.64]

§ 1309.64 *Records and reports.* (a) Every person making purchases or sales of copper or copper alloy scrap on or after February 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (2) the quantity in pounds or tons of copper or copper alloy scrap (1)

on hand, and (ii) on order, as of the close of each calendar month.

(b) On or before the tenth day of each month beginning with the month of March 1942, the consumer shall submit to the Office of Price Administration, Washington, D. C., an affidavit on Form 120:7 covering each delivery of copper or copper alloy scrap received during the preceding calendar month, and setting forth the name of the seller, the point of shipment, the date of delivery, the amount of each grade of scrap received and paid for, the price paid per pound for each such grade of scrap, the total freight paid, and the total amount paid to the seller.

(c) Persons affected by Price Schedule No. 20 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[§ 1309.64 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.66 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[Preceding § 1309.66, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.65]

§ 1309.65 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 20, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 20, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 20; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 20 which may be regarded as grounds for the revocation of licenses and permits;

(d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 20; and (e) that the War Production Board is requested to withhold priority ratings and allocation of materials from any persons failing to comply with Price Schedule No. 20. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper or copper alloy scrap, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

[§ 1309.65 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.67 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration, for approval of any modification thereof or exception therefrom.*

[Preceding § 1309.67, in small type, superseded by following § 1309.66]

§ 1309.66 *Modification of Price Schedule No. 20.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 20 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 20.*

[§ 1309.66 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.68 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Copper scrap" means the kinds and grades of scrap materials set forth in Appendix A of this Schedule.*

[Preceding § 1309.68, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.67]

§ 1309.67 *Definitions.* When used in Price Schedule No. 20, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Copper and copper alloy scrap" means materials of the kinds and grades listed in paragraph (a) of § 1309.69. These kinds and grades include materials which are the waste or by-product of any kind of metal working as well as articles which have been discarded from use because of obsolescence, failure or other reason, and which are no longer useful for their original purpose

(c) "Consumer" means a person whose business, either in his own plant or on toll, consists in whole or in part, of smelting, refining, melting, or otherwise processing copper or copper alloy scrap into a form other than scrap.

(d) "Point of shipment" means the point at which copper or copper alloy scrap is first loaded on a conveyance for transportation directly to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material

is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

[§ 1309.67 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.69 *Effective date of the schedule.*

(a) This Schedule shall become effective on August 19, 1941.

(b) Contracts of sale or other firm commitments calling for the delivery or transfer of copper scrap entered into between August 19, 1941 and October 17, 1941 at prices in excess of the maximum prices established by the amendments to this Schedule effective October 17, 1941 may be completed at contract prices provided that (1) such prices are not in excess of the maximum prices established by this Schedule prior to October 17, 1941, (2) the copper scrap so delivered or transferred was on hand at the seller's plant or warehouse prior to October 17, 1941, and (3) provided further that a report as to the pertinent terms of all such contracts is furnished to this Office on Form 120-6 prior to November 1, 1941.*

[Preceding § 1309.69; in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.68]

§ 1309.68 *Effective date of Price Schedule No. 20.* This Price Schedule (§§ 1309.61 to 1309.69, inclusive), as amended shall become effective on February 27, 1942.*

[§ 1309.68 as amended February 5, 1942, effective February 27, 1941, 7 F.R. 815]

§ 1309.70 *Appendix A; maximum prices.* For the purpose of this Schedule each grade of scrap listed below shall include all kinds and quantities of scrap falling within the broad category listed. However, the maximum prices herein set forth are applicable only to copper scrap which meets maximum standards for such grades generally accepted in the trade, as for instance the standards set forth in the Standard Classification for Old Metals, Circular O of the National Association of Waste Material Dealers, Inc., effective as of June 1, 1940. Scrap which fails to meet such standards shall be sold at a price less than the applicable maximum price. This Schedule does not include copper scrap which is a byproduct of the fabrication of copper sheet, tube, rod or other brass mill products, the maximum prices for which are established by Price Schedule No. 12—Brass Mill Scrap.

(a) *Kind or grade of scrap.*

*Maximum prices
per pound of material,
f. o. b. point
of shipment*

No. 1 copper wire..... 10¢
No. 1 heavy copper..... 10¢
No. 2 copper wire (containing 96% copper)..... 9¢
Mixed heavy copper (containing 96%
Light copper (containing 92% copper)..... 8¢

If the copper content of No. 2 copper wire or mixed heavy copper scrap is more or less than 96% or if the copper content of light copper scrap is more or less than 92%, the maximum price per pound of material set forth above shall be increased or decreased at the rate of 0.11775 cents for each 1% variation in the copper content with proportionate adjustments for variations of less than 1%.

Prices may be quoted or material invoiced on a delivered price basis. However, if prices are so quoted or material is so invoiced, and the total delivered price exceeds the maximum price fixed by this Schedule, (1) the delivery charge shall be shown as a separate item, (2) the price f. o. b. point of shipment (calculated by subtracting the delivery charge from the total delivered price) shall not exceed the maximum price set forth in this

Schedule, and (3) the delivery charge shall not exceed the lowest commercial rate for the most nearly comparable service.

(b) *Premiums.* To the maximum prices set forth above either but not both of the following premiums may be added if the conditions set forth below are fulfilled:

(1) Premium for copper scrap in crucible shape—1¼¢ per pound.

Copper scrap in crucible shape shall include only:

(i) Briquetted No. 1 copper wire. A briquette shall include any compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches and which contains nothing but clean, untinned No. 1 copper wire of 16 B & S wire gauge or larger, free from burnt, brittle copper wire and from all foreign substances.

(ii) No. 1 heavy copper scrap, trolley wire, or other copper wire of 16 B & S wire gauge or larger which is (a) clean, free from tin, solder, brazing and all other foreign substances, (b) cut or banded in lengths not exceeding 16 inches, and (c) in a shape suitable for charging into a crucible or electric furnace.

(2) Premium on shipments of 40,000 pounds or more at one time—½¢ per pound. (This premium shall not apply to copper scrap in crucible shape.)

For the purposes of this premium a shipment of copper scrap may be made up of any kind or kinds of copper scrap listed in this Schedule. If delivery is made by truck, a shipment made "at one time" may include all deliveries made to the buyer within a period of 48 consecutive hours.

(c) *Special-purpose copper scrap.* Copper wire especially selected and prepared for the use of producers of copper sulphate or of other chemicals, copper segments used by makers of copper powder, or any copper scrap prepared for the special use of steel mills, iron foundries, aluminum smelters or any other special user except producers of copper, brass or bronze castings may upon application to the Office of Price Administration be granted a special premium above the maximum prices fixed by this Schedule. This premium shall be granted only (1) if the specified material has normally commanded such a premium because of its special uniformity, purity, or preparation, (2) if the material is sold to the type of user for whom it has been especially prepared, and (3) if the sale to the specific user has been approved by the Office of Price Administration.*

[Preceding § 1309.70, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.69]

* Pursuant to this paragraph the Administrator has granted the following special premiums:

a. Metals Refining Company, Hammond, Indiana, by a letter dated December 4, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for soft copper wire no larger than 6 B & S nor smaller than 18 B & S wire gauge, entirely free from solder ends, insulation, lacquer, ash or any other foreign substance, and packed in loose bales or coils.

b. The Sherwin-Williams Company, Bound Brook, New Jersey, by a letter dated December 22, 1941—Permission to purchase not in excess of 50 tons of scrap copper wire per month during the period November 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for copper wire containing not less than 98%

§ 1309.69 *Appendix A: Maximum prices—(a) Maximum prices f. o. b. shipping point.**

Index No. ¹	Kinds or grades of scrap ²	Maximum prices per pound of material
		<i>Cents</i>
1	No. 1 Copper Wire.....	10.00
1	No. 1 Heavy Copper.....	10.00
1	No. 2 Copper Wire.....	9.00
1	Mixed Heavy Copper.....	9.00
1	Light Copper.....	8.00
2	Bell Metal.....	14.50
2	High-grade Bronze Gears.....	12.75
2	Babbitt-lined Brass Bushings.....	12.75
2	Red Trolley Wheels.....	10.75
2	Hard Red Machinery Brass.....	10.00
2	Soft Red Brass.....	9.50
2	Soft Red Brass Bearings.....	9.25
2	Aluminum Bronze (Ford) Gears.....	9.00
2	Unlined Standard Red Car Boxes.....	8.50
3	Lines Standard Red Car Boxes.....	8.00
4	Cocks and Faucets.....	8.25
2	Red Brass Breakage and Red Carburetors with Iron Screws.....	8.00
5	Old Relled Brass.....	8.00
5	Brass Pipe.....	8.00
5	Clean Fired Rifle Shells.....	8.00
5	Admiralty Condenser Tubes.....	7.50
5	Muntz Metal Tubes.....	7.00
5	Yellow Brass Castings.....	7.25
5	Heavy Yellow Brass.....	7.00
6	Cast Yellow Brass Bearings.....	6.75
6	Reflectors.....	6.75
6	Light Brass.....	6.50
6	Yellow Brass Breakage.....	5.50
7	Automobile Radiators.....	7.50

* The prices set forth in this paragraph are the maximum prices f. o. b. freight cars, trucks or other means of transportation at the point of shipment, and include all commissions and service charges. Any copper scrap sold "as is, where is" shall be sold at a price less than the applicable maximum price by an amount reflecting the cost of loading the material into the conveyance for shipment to the buyer.

* For the purposes of the quantity premiums defined in paragraph (f) of this section, all kinds or grades preceded by the same index number may be considered as one item.

* The prices set forth in this paragraph are the maximum prices for the respective grades of copper and copper alloy scrap which meet the specifications set forth in paragraph (b) of this section. Copper or copper alloy scrap which falls within such grades but which does not meet such specifications must be sold at a price below the applicable maximum price. This Schedule does not include copper or copper alloy scrap which is a byproduct of the fabrication of the new sheet, tube, rod or other brass mill products; the maximum prices for which are established by Price Schedule No. 12—Brass Mill Scrap.

* If the copper content of No. 2 copper wire or mixed heavy copper scrap is more or less than 96%, or if the copper content of light copper scrap is more or less than 92%, the maximum price per pound of material shall be increased or decreased at the rate of 0.11775 cents for each 1% variation in copper content with proportionate adjustments for variations of less than 1%.

* If soft red brass bearings and turnings or cast yellow brass bearings and turnings contain more than 2% iron, oil and moisture, the maximum price per pound of material shall be reduced 1% for each 1% of iron, oil and moisture in excess of 2%.

* If red brass breakage and red carburetors with iron screws or yellow brass breakage contains more than 10% iron, the maximum price per pound of material shall be reduced 1% for each 1% of iron in excess of 10%.

* If automobile radiators contain any iron, the maximum price per pound of material shall be reduced 1% for each 1% of iron.

copper, reasonably free from tin and containing 80% or more of 10 gauge or smaller wire, packed in loose bales, boxes or barrels.

c. Superior Copper Products Company, Chicago, Illinois, by a letter dated December 10, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for strictly No. 1 copper wire no larger than 8 B & S wire gauge and no smaller than 16 B & S wire gauge, free from all tin, lead, solder, insulation, connections, lugs, et cetera and

(b) *Specifications.* (1) No. 1 Copper Wire shall have a copper content of not less than 98%, shall consist of clean, untinned copper wire or cable not smaller than 16 B&S wire gauge, and must be untangled, free of burnt or unburnt insulation, burnt copper wire which is brittle, and all foreign substances.

(2) No. 1 Heavy Copper shall have a copper content of not less than 98%, shall consist of clean, untinned copper segments not less than $\frac{1}{8}$ inch thick and must be free of solder and all foreign substances.

(3) No. 2 Copper Wire shall have a copper content of 96%, and shall consist of miscellaneous clean copper wire or cable, which may include tinned wire and soldered ends, but not hair wire nor burnt wire that is brittle.

(4) Mixed Heavy Copper shall have a copper content of 96% and shall consist of clean, tinned and untinned copper pipe and tubing, but must not include any nickel-plated material.

(5) Light Copper shall have a copper content of 92% and shall consist of copper in the form of bottoms of kettles and boilers, stills, bathtub linings, hair wire, bicycle wire, burnt copper wire, roofing copper and similar copper, and must be free of radiators, brass, lead and solder connections, mixed screens, readily removable iron, old electrolyte shells, and excessive paint, tar or scale.

(6) Bell Metal shall consist of genuine bell metal containing a minimum of 16% tin.

(7) High-grade Bronze Gears shall consist of clean gears which contain 87 to 90% copper, 9 to 11% tin, and no more than 1% lead, and must be free of leaded, manganese, or aluminum, bronze gears.

(8) Babbit lined Brass Bushings shall consist of clean red automobile and machinery bushings or bearings containing 15 to 20% of genuine babbitt, and must be free of iron-backed bearings, iron, and excessive grease or dirt.

(9) Red Trolley Wheels shall consist of genuine red trolley wheels which must be clean and free of bushings, iron and excessive dirt.

(10) Hard Red Machinery Brass shall have a tin content of not less than 6%, shall consist of heavy castings from machinery, such as valves and unlined bushings and bearings, and must be free of all iron, aluminum bronze and manganese bronze.

packed in bales. Each of the foregoing exceptions was conditioned upon the use of all such copper scrap in the manufacture of copper powder, copper sulphate or other chemicals; upon compliance with all requirements of the War Production Board; and upon the furnishing of a report to the Office of Price Administration at the end of each month giving the amount of scrap purchased during the month, the dates of purchase and delivery, the name of the buyer, and the price paid.

[Footnote 1 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 713]

(11) Soft Red Brass shall consist of miscellaneous red brass castings, and must be free of iron, burnt or melted brass, cocks and faucets, railroad car boxes and other excessively leaded material, and of aluminum, manganese, and silicon bronze.

(12) Soft Red Brass Borings shall consist of clean red brass borings and turnings, free of aluminum, manganese, and silicon bronze, railroad car box turnings and other excessively leaded material, shall contain a total of not over 2% free iron, oil, or other moisture, and shall be free of grindings and foreign material.

(13) Aluminum Bronze (Ford) Gears shall consist of Ford gears and other bronze gears containing 10 to 12% aluminum.

(14) Unlined Standard Red Car Boxes shall consist of railroad boxes or car journal bearings, and must be free of yellow boxes, iron-backed boxes, linings, and excessive dirt or grease.

(15) Lined Standard Red Car Boxes shall consist of lined railroad boxes or lined car journal bearings and must be free of yellow boxes, iron-backed boxes, excessive dirt and grease.

(16) Cocks and Faucets shall consist of clean mixed red and yellow cocks and faucets containing a minimum of 35% of red faucets, and must be free of gas cocks, beer faucets, porcelain, dirt, and iron.

(17) Red Brass Breakage and Red Carburetors with Iron Screws shall consist of red brass containing not in excess of 10% free iron and must be free of die cast, yellow, or iron carburetors.

(18) Old Rolled Brass shall consist exclusively of old pieces of sheet brass and must be free from solder, tinned and nickel-plated material, paint, corrosion, dirt, iron, ship sheathing, rod brass, and Muntz metal material.

(19) Brass Pipe shall consist of sound, clean brass pipe and tubing, and must be free of sediment, plated, tinned, or soldered pipe, pipe with cast brass connections, condenser tubes, Muntz metal and Admiralty tubing.

(20) Clean Fired Rifle Shells shall consist exclusively of fired rifle shells, and must be free of unfired shells, gun shells containing paper, and dirt.

(21) Admiralty Condenser Tubes shall consist of sound Admiralty condenser tubings, which may be plated or unplated, but must be free of nickel silver material and of excessive corrosion, sediment, dirt, iron, scale and grease.

(22) Muntz Metal Tubes shall consist of sound Muntz metal condenser tubing which may be plated or unplated, but must be free of nickel silver material and of excessive corrosion, sediment, dirt, iron, scale, and grease.

(23) Yellow Brass Castings shall consist of strictly yellow brass castings, and must be free of manganese, aluminum, silicon brass, forgings, dirt, and iron.

(24) Heavy Yellow Brass shall consist of clean heavy yellow sheet brass and castings, chandelier brass, pipe and plumber's brass, and must be free of manganese or aluminum brass, condenser tubes, dirt and iron.

(25) Cast Yellow Brass Borings shall consist of yellow brass borings, shall contain a total of not more than 2% of free iron, oil, or moisture and must be free of aluminum, manganese and composition turnings and any grindings.

(26) Reflectors shall consist exclusively of clean automobile reflectors and must be free from iron and solder.

(27) Light Brass shall consist of clean miscellaneous yellow sheet brass that is too light for heavy yellow brass, and may include tinned or nickel-plated material but must be free of gun shells containing paper, ashes, or iron, and of clock works, loaded lamp bases, gaskets, iron, dirt, and foreign material.

(28) Yellow Brass Breakage shall consist of miscellaneous yellow brass containing a maximum of 10% free iron.

(29) Automobile Radiators shall consist of mixed unsweated automobile radiators, which must contain at least 40% of honeycomb radiators. Radiators must be complete, containing top and bottom tanks.

(c) *Maximum prices for lead-covered and insulated copper wire.* The maximum price for insulated copper cable or wire, except lead-covered cable or wire, shall be computed by multiplying the weight of such copper wire or cable, exclusive of insulation, by the applicable maximum price provided in paragraph (a) of this section, and deducting from the resulting product not less than 0.15 cents per pound of total weight before removal of insulation.

The maximum price for the copper content of lead-covered cable shall be computed by multiplying the weight of such copper cable, stripped of lead covering, by the applicable maximum price provided in paragraph (a) hereof. The maximum price for the lead content of such lead covering is fixed by Price Schedule No. 71.

(d) *Maximum prices for mixed lots of scrap.* If any scrap other than crucible copper or copper alloy scrap is delivered in a mixed lot containing scrap of more than one grade, then (1) the entire lot shall be considered to be of the lowest-priced grade, or (2) the buyer may sort the scrap and pay for each grade but in such event the maximum price provided in paragraph (a) of this section for each of such grades shall be reduced by $\frac{1}{4}$ cent per pound. If the same maximum price is established by paragraph (a) of this section for all of the grades of scrap contained in such lot, the second method of settlement provided in this paragraph must be used. The provisions of this paragraph shall not apply if each grade of scrap is packed in separate containers or is otherwise physically segregated by the seller.

(e) *Maximum delivered prices.* Copper or copper alloy scrap may be sold, offered for sale, delivered or transferred at a price delivered buyer's receiving point. If such delivered price exceeds the applicable maximum price provided in paragraph (a) of this section, (1) the delivery charge shall be shown as a separate item and (2) the price f. o. b. shipping point (calculated by subtracting the delivery charge from the delivered price)

shall not exceed the applicable maximum price provided in paragraph (a) of this section.

Whenever the seller delivers copper or copper alloy scrap in his own conveyance, the charge for delivery shall not exceed the lowest published rate for a similar delivery by a public carrier or, if there is no such carrier, the lowest available commercial rate for the most nearly comparable service.

(f) *Quantity premiums.* The maximum prices listed in paragraph (a) of this section may be increased by the addition of the applicable one of the following quantity premiums:

(1) For the sale and shipment at one time of 40,000 pounds or more containing only one item, $\frac{1}{2}\text{¢}$ per pound.

(2) For the sale and shipment at one time of 40,000 pounds or more containing not more than three items, $\frac{1}{4}\text{¢}$ per pound.

For the purposes of this paragraph an item means those kinds or grades of copper or copper alloy scrap which are preceded by the same index number in paragraph (a) of this section.

If the seller makes delivery by truck, or if the buyer carries the scrap away by truck, "the sale and shipment at one time" may include all scrap delivered under one order to the buyer at his receiving point or loaded on to the buyer's truck at the point of shipment within a period of forty-eight (48) consecutive hours excluding Sundays and legal holidays.

No quantity premium may be added to the price of any scrap to which a crucible scrap premium, as defined in paragraph (g) of this section, has been added.

(g) *Crucible scrap premiums.* (1) Premiums for crucible copper.* To the maximum prices listed in paragraph (a) of this section a premium of 1¢ per pound for copper scrap in crucible shape may be added.

Copper scrap in crucible shape shall include only:

(i) Briquetted No. 1 copper wire. A briquette shall include any compressed, self-adhering bundle whose measurements do not exceed $16 \times 10 \times 12$ inches.

(ii) Exclusively No. 1 copper (a) cut or bundled in lengths not exceeding 16 inches and (b) in a shape suitable for charging into the buyer's crucible or electric furnace.

(2) *Premium for crucible copper alloy scrap.** To the maximum prices for copper alloy scrap listed in paragraph (a) of this section, a premium of $\frac{3}{4}\text{¢}$ per pound may be added for copper alloy scrap in crucible shape, specially prepared for foundry use. This premium may be added only on sales of scrap to those brass foundries authorized by the War Production Board to purchase copper alloy scrap.

*No premium shall be demanded or paid for crucible copper or copper alloy scrap unless such copper is sold and shipped separately from any other grade of scrap or is packed in separate containers or otherwise physically segregated by the seller.

Copper alloy scrap in crucible shape for foundry use includes only heavy, clean scrap of uniform alloy content, in pieces no one dimension of which exceeds 16 inches.

No crucible scrap premium may be added to the price of any scrap to which a quantity premium, as defined in paragraph (f) of this section, has been added.

(h) *Maximum prices for special purpose copper scrap.** Persons using copper wire or copper segments which are specially selected and prepared for their use in the manufacture of copper powder or copper sulphate or other chemicals, or persons using any other copper scrap, specially selected and prepared for their use in the manufacture of iron, steel, aluminum or other alloys, except producers of copper, brass or bronze castings or ingots, may apply to the Office of Price Administration for permission to pay a price for such copper scrap in excess of the maximum prices fixed by Price Schedule No. 20. Permission to pay such a price will be granted to such person

*Pursuant to this paragraph the Administrator has granted the following special premiums:

(a) Metals Refining Company, Hammond, Indiana, by a letter dated December 4, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of $11\frac{1}{4}\text{¢}$ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for soft copper wire no larger than 6 B&S nor smaller than 18 B&S wire gauge, entirely free from solder ends, insulation, lacquer, ash or any other foreign substance, and packed in loose bales or coils.

(b) The Sherwin-Williams Company, Bound Brook, New Jersey, by a letter dated December 22, 1941—Permission to purchase not in excess of 50 tons of scrap copper wire per month during the period November 1, 1941 to June 1, 1942 at a price not in excess of $11\frac{1}{4}\text{¢}$ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for copper wire containing not less than 98% copper, reasonably free from tin and containing 80% or more of 10 gauge or smaller wire, packed in loose bales, boxes or barrels.

(c) Superior Copper Products Company, Chicago, Illinois, by a letter dated December 10, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of $11\frac{1}{4}\text{¢}$ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for strictly No. 1 copper wire no larger than 8 B&S wire gauge and no smaller than 16 B&S wire gauge, free from all tin, lead, solder, insulation, connections, lugs, et cetera and packed in bales.

Each of the foregoing exceptions was conditioned upon the use of all such copper scrap in the manufacture of copper powder, copper sulphate or other chemicals; upon compliance with all requirements of the War Production Board; and upon the furnishing of a report to the Office of Price Administration at the end of each month giving the amount of scrap purchased during the month, the dates of purchase and delivery, the name of the buyer, and the price paid.

only if the following conditions are fully complied with:

(1) The material, before August 19, 1941, normally commanded a premium over the price of No. 1, No. 2 or light copper scrap because of its special uniformity or preparation.

(2) The user normally purchased such material before August 19, 1941.

(3) Application is made in writing to the Office of Price Administration by the user setting forth such information as the Office of Price Administration deems necessary to determine the proper maximum price for such material.

(4) The user has complied with the terms of Price Schedule No. 20 to the satisfaction of the Office of Price Administration.

(i) *Maximum prices for imported scrap.* If copper or copper alloy scrap is imported into the United States, or if imported copper or copper alloy scrap is resold in the United States, there may be added to the maximum price established by this section the actual amount of United States import or customs duty paid on such scrap: *Provided, That:*

(1) The total amount paid or received for such imported scrap f. o. b. point of shipment in the continental United States** does not exceed the maximum price established in this section plus the actual amount of import or customs duty paid;

(2) The import or customs duty paid is shown as a separate item on the records required to be kept in accordance with § 1309.64 hereof and on any invoice rendered to the buyer; and

(3) The buyer files a report of each such purchase with the Office of Price Administration on Form 120-8 within five (5) days of the date thereof.

[§ 1309.69 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

Issued this 18th day of August 1941."

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 21— FORMALDEHYDE

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Increasing demands for formaldehyde in the manufacture of synthetic resins for military and civilian needs have created a shortage of supply. Speculators have taken advantage of this situation to raise the resale price of appreciable quantities of formaldehyde to as

**"Point of shipment in the continental United States" in the case of overland shipments from Canada or Mexico means the freight station in the United States at or nearest to the point on the boundary at which the shipment enters the United States.

*Issued: 6 F.R. 4213. Amended: 6 F.R. 5218; 7 F.R. 713. Title and preamble amended, sections renumbered and amended: 7 F.R. 815. Amendment numbers corrected: 7 F.R. 905.

high as 47¢ per pound, contrasted with the manufacturers' price of 6¢ per pound for comparable quantities. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation in order to protect consumers, to eliminate the danger of price rises in other industries that use formaldehyde, and to promote stable contractual relationships.

Accordingly, under the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1335.51 *Maximum prices for formaldehyde.* On and after August 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, formaldehyde in containers of 45 lbs. or more and no person shall buy, offer to buy or accept delivery of, formaldehyde in containers of 45 lbs. or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.60.*

*§§ 1335.51 to 1335.60, inclusive, issued pursuant to authority contained in E.O. 8734, 8876; 6 F.R. 1917, 4483.

§ 1335.52 *Less than maximum prices.* Lower prices than those set forth in § 1335.60, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.53 *Evasion.* The price limitations set forth in Price Schedule No. 21 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of formaldehyde, or in connection with a purchase, sale, delivery, or transfer of any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.54 *Records.* Every person making purchases or sales of formaldehyde in containers of 45 lbs. or more shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the formaldehyde purchased or sold.*

§ 1335.55 *Affirmations of compliance.* On or before September 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold formaldehyde in containers of 45 lbs. or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 121:1 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 21 or with any exception or modification thereof. Copies of Form 121:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.

§ 1335.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions contained in Price Schedule No. 21, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 21, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 21. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of formaldehyde, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.57 *Modification of Price Schedule No. 21.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 21 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.58 *Definitions.* When used in Price Schedule No. 21, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Formaldehyde" means (1) U. S. P. solution of formaldehyde (37% formaldehyde by weight) and (2) any other solution of formaldehyde;

[Paragraph (b) as amended January 15, 1942, effective January 15, 1942; 7 F.R. 312]

(c) "Producer's shipping point" means any of the following points: Garfield, N. J., Perth Amboy, N. J., West Haverstraw, N. Y., or Tallant, Oklahoma.*

§ 1335.59 *Effective date of Price Schedule No. 21.* This schedule (§§ 1335.51 to 1335.60, inclusive) shall become effective August 20, 1941.*

§ 1335.60 *Appendix A—(a) Maximum prices for formaldehyde shipped from producers' shipping points—(1) Maximum prices for U. S. P. solution of formaldehyde (37% formaldehyde by weight).*

Quantity in pounds and containers	Price per pound f. o. b. New York, N. Y., or West Haverstraw, N. Y., or Garfield, N. J., or Perth Amboy, N. J., or Tallant, Okla.	
	Carload lots	Less than carload lots
Tank cars (70,000-72,000 lbs.)...	\$0.0425	
Tank truck or wagon		\$0.0450
Drums (475 lbs.)	.0540	.0590
Barrels (450 lbs.)	.0575	.0625
Kegs (225 lbs.)	.0675	.0725
Half barrel (225 lbs.)	.0675	.0725
Barrels (200 lbs.)		.0725
Keg (125 lbs.)	.0700	.0750
Carboys (100 lbs.)	.0600	.0650
Kegs (90 lbs.)	.0750	.0800
Kegs (60 lbs.)	.0800	.0850
Carboys (45 lbs.)	.0700	.0750
Drums (45 lbs.)		.0850
Kegs (45 lbs.)	.0900	.0950

[The less-than-carload-lots price for kegs (90 lbs.) was corrected from .0900 to .0800; 7 F.R. 398, January 20, 1942]

(2) *Maximum prices for solutions of formaldehyde other than U. S. P. (37% formaldehyde by weight).* The maximum prices for solutions of formaldehyde, other than U. S. P. solution (37% formaldehyde by weight), shall be the maximum prices set forth above, multiplied by the number of pounds of formaldehyde by weight contained in 100 pounds of any such solution (for which the price is to be determined) and divided by 37.

The maximum price which a purchaser may pay under Price Schedule No. 21 for any solution of formaldehyde shipped to him from a producer's shipping point shall not exceed the maximum price established by subparagraphs (1) and (2) above plus freight to destination from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less.

In no case shall the price of any quantity of formaldehyde sold in containers holding 45 pounds or more, but not listed above, exceed the maximum price set forth above for a container holding the next greater quantity.

(b) *Maximum prices for formaldehyde delivered from local stocks.* The maximum price for formaldehyde delivered from local stocks maintained at points other than producers' shipping points shall not exceed a price ex seller's warehouse equal to the maximum prices established by paragraph (a) above plus freight to seller's warehouse from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less, plus one cent per pound.

(c) *Containers.* For formaldehyde shipped in carboys or drums, a reasonable charge for the respective containers may be added to the above maximum prices. No charge for containers may be added to the maximum prices established above for formaldehyde shipped in barrels or kegs.*

[§ 1335.60 as amended, January 15, 1942, effective January 15, 1942; 7 F.R. 312]

Issued this 20 day of August, 1941.¹

LEON HENDERSON,
Administrator.

PART 1340—FUEL

REVISED PRICE SCHEDULE NO. 22—PENNSYLVANIA GRADE CRUDE OIL

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Petroleum products are widely used throughout the nation by the armed forces, and for many civilian purposes, including the carrying on of industrial processes essential to national defense. Pennsylvania grade crude oil, a distinctive crude oil, includes Bradford crude, Southwest Pennsylvania crude and West Virginia, or Eureka crude. The total daily production for these oils is about 76,000 barrels. Due to the defense pro-

¹ Issued: 6 F.R. 4254. Amended: 7 F.R. 312. Corrected: 7 F.R. 398.

gram, and national defense production, there has been a greater demand for these oils in recent months.

The Office of Price Administration has recently instituted an inquiry into the price of these oils. Since November, 1940 and up to July 31, 1941, or during the past nine months, Pennsylvania Bradford grade crude oil has increased in price from \$1.85 to \$2.75 a barrel, or a total of 90¢. The Southwest Pennsylvania and West Virginia crude oil prices have also increased in price 90¢ or from \$1.50 to \$2.40 and \$1.44 to \$2.34, respectively, during the same period.

A proposal was made to this Office further to increase these prices 25¢ as of August 1. The prices proposed were higher than any prior prices for these oils during the past 10 years. They also represented percentage increases over 1940 prices higher than for any other crude oil produced in the country.

However, the proposed increases were deferred when this Office asked that supporting evidence justifying them be submitted. The South Penn Oil Company, principal producer, purchaser and price leader, then agreed to submit data showing the economic justification for the price increase. After some information had been submitted and pending the furnishing of other data, the prices were increased. These increases, posted as of August 14, resulted in an increase in the price of Bradford crude from \$2.75 to \$2.98 a barrel, or a further increase of 23¢ per barrel, and Southwest Pennsylvania was increased from \$2.40 to \$2.65 a barrel, and the West Virginia crude from \$2.34 to \$2.59, both increases amounting to 25¢.

In response to usual pricing and trade practices, the foregoing increases were followed by corresponding price increases of 25¢ for the Southeastern Ohio crude oils, and 23¢ for the various grades of Oil City-Titusville crude oils.

The inquiry thus far conducted has failed to demonstrate an adequate economic basis for these increases. No showing has been made that labor or material cost increases, if any have occurred, have not already been met by the prior increases in prices. It has been contended that the higher prices would in a small measure stimulate drilling. But the anticipated amount of new drilling was uncertain and was one of the facts under investigation by this Office. Moreover the increased prices would apply to the entire present production of 76,000 barrels per day, as well as to the small volume which new drilling would yield in the future.

No sound basis having been established for these price increases, they therefore appear inflationary in character. Such an inflationary movement in the price of commodities tends to weaken the defense effort by causing economic dislocations and price spiraling and profiteering.

The opportunity which has been granted to the producers to demonstrate that price increases are warranted remains open to them.

Accordingly, under the authority vested in me by Executive Order No. 8734, and

after consultation with the Office of the Petroleum Coordinator for National Defense, it is hereby directed that:

§ 1340.21 *Maximum price for Pennsylvania grade crude oils.* On and after August 23, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1340.22, no person shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy, or accept delivery of, Pennsylvania grade crude oils at prices higher than those set forth in Appendix A, incorporated herein as § 1340.29.*

§§ 1340.21 to 1340.29, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.22 *Commissions allowed on resales above maximum prices.* The price limitations set forth in § 1340.29, Appendix A, shall prohibit the addition of commissions above said maximum prices except that persons who buy Pennsylvania grade crude oils for resale under contracts and who have contracts in existence on the effective date of Price Schedule No. 22 which provide that the price on resale shall be the "posted price" plus a specified commission may receive the maximum price plus said commission specified in the contracts: *Provided*, That (a) said contracts were entered into in writing prior to August 14, 1941; (b) said contracts are binding and valid in character; (c) certified copies of each such contract are filed with the Office of Price Administration within ten (10) days after the effective date of Price Schedule No. 22; and (d) no such contract has been extended or amended without the approval of this Office. Persons who buy for resale and wish to enter into contracts, or wish to extend or amend contracts, providing for prices on resale higher than the maximum prices listed in § 1340.29, Appendix A, may make application to this Office for permission to receive such higher prices.*

§ 1340.23 *Less than maximum prices.* Lower prices than those set forth in Price Schedule No. 22 may be charged, demanded, paid or offered.*

§ 1340.24 *Evasion.* The price limitations set forth in Price Schedule No. 22 shall not be evaded whether by direct or indirect methods in connection with the purchase, sale, delivery or transfer of Pennsylvania grade crude oil, alone or in conjunction with any other material, or by way of any commission, except as provided in § 1340.22 herein, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1340.25 *Enforcement.* In the event of refusal or failure to abide by the price limitations or other provisions contained in Price Schedule No. 22, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 22, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Govern-

ment are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 22. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions of Price Schedule No. 22, are urged to communicate with the Office of Price Administration.*

§ 1340.26 *Modification of Price Schedule No. 22.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 22 may apply to the Office of Price Administration for approval of any modification thereof or exception thereto.*

§ 1340.27 *Definitions.* When used in Price Schedule No. 22 the term (a) "person" means an individual, partnership, association, corporation, or other business entity; (b) "Pennsylvania grade crude oil" means the crude oils listed in § 1340.29 Appendix A.*

§ 1340.28 *Effective date of Price Schedule No. 22.* This Schedule (§§ 1340.21 to 1340.29, inclusive) shall become effective August 23, 1941.*

§ 1340.29 *Appendix A: Maximum prices for Pennsylvania grade crude oil.*

Grade of Crude Oil:	Maximum price per barrel
Pennsylvania Bradford	\$2.75
Southwest Pennsylvania	2.40
Eureka	2.34
Southeastern Ohio	2.30
Oil City—Titusville:	
Group A (including Cochran, Franklin, Hamilton, and Doolittle Districts)	2.63
Group B (Titusville District)	2.67
Group C (including Turkey and Tidbit)	2.68
Group D (including Bear Creek and Porkey Districts)	2.65
Group E (including Eldeneau, Bowl Creek, Rough Run, Carbon, Diltner, Bredin, McJunkin, Jameson, Kennerdall, Emlenton, Tiona, Lacy, and Kinzua Districts)	2.63

Issued this 22d day of August 1941.¹

LEON HENDERSON,
Administrator.

PART 1337—RAYON

REVISED PRICE SCHEDULE NO. 23—RAYON GREY GOODS

Recent events have further disturbed a market situation in rayons which was already unsettled. A shortage of rayon yarns for some time past has forced chemical firms producing these yarns to make deliveries in amounts far under their customers' requirements. Concurrently, the restricted supply has forced prices of both grey goods and finished goods up to levels which are unwarranted by such minor cost increases as have occurred.

To check these rises, leading weavers entered into a voluntary agreement with the Office of Price Administration on July 16, 1941, to refrain from further price advances on certain specified standard

constructions. Among primary producers these voluntary ceilings were successfully maintained, but the market continued to be disturbed by second-hand sales at inflated levels.

Now that civilian supplies of silk are unavailable, the diversion of rayon yarns to silk manufacturers inevitably will aggravate the existing shortage of rayon for weaving and disrupt price stability unless remedial action is taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1337.11 *Maximum prices for rayon grey goods.* On and after August 25, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, rayon grey goods of the constructions enumerated in Appendix A hereof, incorporated herein as § 1337.22, and no person shall buy, offer to buy or accept delivery of, rayon grey goods of such enumerated constructions, at prices higher than the maximum prices set forth in Appendix A.*

*§§ 1337.11 to 1337.22, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 1483.

§ 1337.12 *Less than maximum prices.* Lower prices than those set forth in § 1337.22, Appendix A, may be charged, demanded, paid or offered.*

§ 1337.13 *Evasion.* The price limitations set forth in Price Schedule No. 23 shall not be evaded, whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of rayon grey goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1337.14 *Records.* (a) Every person making purchases or sales of rayon grey goods after August 25, 1941, whether or not of the constructions enumerated in § 1337.22, Appendix A, hereof, shall keep for inspection by the Office of Price Administration for a period of not less than 1 year: (1) complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, the price paid or received and the quantity in yards of each construction purchased or sold; and (2) copies of each contract of sale and invoice or similar document containing the details required in § 1337.15 hereof.

(b) Every manufacturer of rayon grey goods shall keep for inspection by the Office of Price Administration for a period of not less than 1 year complete and accurate records setting forth: (1) a full description of each construction of rayon grey goods whether or not of the constructions enumerated in § 1337.22, Appendix A, manufactured or sold, including (i) the width, specifying whether in or off the loom, (ii) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom,

and (iii) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended; and (2) the quantity in yards of each construction of rayon grey goods, whether or not of the constructions enumerated in § 1337.22, Appendix A, produced during each calendar month.*

[§ 1337.14 as amended October 2, 1941, effective October 3, 1941; 6 F.R. 5073]

§ 1337.15 *Details required in contract of sale and invoice.* (a) Every seller of rayon grey goods of the constructions enumerated in § 1337.22, Appendix A, shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, a full description of each construction of rayon grey goods sold, including (1) the width, specifying whether in or off the loom, (2) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom, and (3) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended.

(b) With each delivery of rayon grey goods, whether or not of the constructions enumerated in § 1337.22, Appendix A, there shall be transmitted to the purchaser an invoice or similar document which shall contain a style number or symbol sufficient to identify in the manufacturer's records maintained pursuant to § 1337.14 hereof, the details of each construction so delivered.*

[§ 1337.15 as amended October 2, 1941, effective October 3, 1941; 6 F.R. 5073]

§ 1337.16 *Reports.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer of rayon grey goods shall submit to the Office of Price Administration a report on Form 123:1 setting forth in the detail required by the Form all the constructions of rayon grey goods, other than the constructions enumerated in § 1337.22, Appendix A, manufactured by such person in quantities in excess of 25,000 yards per month, and the highest prices at which each such construction was sold, both for immediate and future delivery, if sold during such month. Such reports shall be submitted even although the rayon grey goods so manufactured were not sold in the grey state but were further processed by the manufacturer thereof. Copies of Form 123:1 can be procured from the Office of Price Administration.*

[§ 1337.16 as amended October 2, 1941, effective October 3, 1941; 6 F.R. 5073]

§ 1337.17 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the pre-

ceding calendar month has purchased or sold rayon grey goods of the constructions enumerated in § 1337.22, Appendix A, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 123:2 containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 23 or with any exception or modification thereof. Copies of Form 123:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1337.18 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 23, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 23, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 23. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of rayon grey goods for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1337.19 *Modification of Price Schedule No. 23.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 23 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1337.20 *Definitions.* When used in Price Schedule No. 23, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Rayon grey goods" means fabric manufactured from chemically produced fiber or yarn made from cellulose or with a cellulose base, woven, but not printed, dyed, or finished.*

§ 1337.21 *Effective date of Price Schedule No. 23.* This Schedule (§§ 1337.11 to 1337.22, inclusive) shall become effective August 25, 1941.*

§ 1337.22 *Appendix A: Maximum prices for rayon grey goods.* (a) The maximum prices for the enumerated constructions of rayon grey goods established by Price Schedule No. 23 are applicable to all sales of rayon grey goods whether made by the manufacturer or by any other person.

Type of fabric	Off loom width	Cloth count (grey)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
Acetate Satin.....	42"	200 x 72	75 denier acetate.....	100 denier acetate.....	20 1/2
	42"	180 x 72	75 denier acetate.....	100 denier acetate.....	24 1/4
	42"	180 x 64	75 denier acetate.....	120 denier acetate.....	24 1/4
	42"	225 x 80	55 denier multi-filament acetate.....	75 denier multi-filament acetate.....	27 1/4
Acetate Taffeta.....	42"	180 x 00	100 denier acetate.....	150 denier acetate.....	23 1/4
French crepe.....	41"	104 x 72	100 denier multi-filament pigment viscose.....	150 denier multi-filament viscose vello twist.....	23 1/4
French crepe.....	Reed width	Ends in loom	Picks in loom		
	43 1/2"	160 x 04	75 denier acetate.....	75 denier viscose vello twist.....	26 1/4
Acetate suitings.....	43 1/2"	102 x 48	150 denier acetate.....	300 denier acetate.....	23 1/4
Spun rayon filled poplin.....	43 1/2"	103 x 48	150 denier acetate.....	14 9/16 spun viscose.....	22 1/4
Acetate warp.....	40"	110 x 04	120 denier acetate.....	100 denier viscose crepe twist.....	27
	40"	125 x 64	100 denier acetate.....	100 denier viscose crepe twist.....	26 1/4
	48"	90 x 48	150 denier acetate.....	150 denier viscose crepe twist.....	23 1/4
All-Viscose.....	44"	150 x 76	75 denier pigment viscose.....	75 denier viscose crepe twist.....	26
	49"	114 x 08	100 denier multi-filament pigment viscose.....	100 denier viscose crepe twist.....	27 1/4
SHEERS	Off-loom	Ends in loom	Picks in loom		
	48"	104 x 72	75 denier cuprammonium triple-shed triple-shed.....	75 denier cuprammonium.....	27
	48"	104 x 72	75 denier viscose crepe twist.....	75 denier viscose.....	26 1/4
	48"	104 x 72	75 denier cuprammonium triple-shed triple-shed.....	75 denier cuprammonium.....	26
	48"	104 x 72	75 denier viscose crepe twist.....	75 denier viscose.....	26 1/4
Viscose georgette.....	50"	80 x 72	75 denier viscose crepe twist.....	75 denier viscose crepe twist.....	26

[Table as corrected 6 P.M. 5:20.]

(b) The maximum price for any construction of rayon grey goods not enumerated above shall be a price in line with the maximum price for the nearest related construction so enumerated. The term "in line with" means having a justifiable relation to such maximum price with commensurate increases or decreases to give effect to the differences in costs of the yarn used and in weaving the number of picks, (2) the number of ends, (3) the width and (4) the weave: *Provided*, That firm commitments entered into prior to February 9, 1942 for the sale of rayon grey goods at prices not exceeding the maximum prices es-

Type of fabric	Off loom width	Cloth count (grey)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
Viscose Twill.....	38"	112 x 08	150 denier viscose.....	150 denier viscose.....	20
	40 1/2"	102 x 04	150 denier viscose.....	150 denier viscose.....	18 1/4
	40 1/2"	84 x 04	150 denier viscose.....	150 denier viscose.....	18
	40 1/2"	108 x 04	150 denier viscose.....	150 denier viscose.....	14
Viscose Taffeta.....	42 1/2"	108 x 04	150 denier viscose.....	150 denier viscose.....	20 1/4
	42 1/2"	110 x 04	150 denier viscose.....	150 denier viscose.....	18 1/4
	42 1/2"	110 x 04	150 denier viscose.....	150 denier viscose.....	16 1/4
	42 1/2"	110 x 04	150 denier viscose.....	150 denier viscose.....	14 1/4
	42 1/2"	110 x 04	150 denier viscose.....	150 denier viscose.....	12 1/4
	42 1/2"	110 x 04	150 denier viscose.....	150 denier viscose.....	12 1/4
Acetate Twill.....	40 1/2"	84 x 04	150 denier viscose.....	150 denier viscose.....	17
	42"	120 x 08	150 denier acetate.....	150 denier viscose.....	22 1/4
Acetate Taffeta.....	42"	112 x 08	150 denier acetate.....	150 denier viscose.....	22 1/4
Pigment Taffeta.....	40 1/2"	110 x 08	150 denier acetate.....	150 denier viscose.....	17 1/4
	40 1/2"	92 x 08	100 denier pigment viscose.....	150 denier pigment viscose.....	18
	43 1/2"	92 x 04	100 denier pigment viscose.....	150 denier pigment viscose.....	18 1/4
	40 1/2"	72 x 06	150 denier pigment viscose.....	150 denier pigment viscose.....	16 1/4
Viscose Satin.....	40"	140 x 04	100 denier viscose.....	150 denier viscose.....	22
	40"	140 x 06	100 denier viscose.....	150 denier viscose.....	22
	40"	110 x 48	100 denier viscose.....	150 denier viscose.....	17
	42 1/2"	180 x 72	150 denier viscose.....	150 denier viscose.....	26 1/4
SPUN RAYON					
Twill.....	40 1/2"	128 x 60	30 9/16 spun viscose.....	30 9/16 spun viscose.....	19 1/4
Challis.....	40 1/2"	68 x 62	30 9/16 spun viscose.....	30 9/16 spun viscose.....	13 1/4
Osway Flare.....	40 1/2"	68 x 44	30 9/16 spun viscose.....	30 9/16 spun viscose.....	14
Poplin.....	40 1/2"	101 x 44	30 9/16 spun viscose.....	30 9/16 spun viscose.....	18 1/4
File Challis.....	41"	68 x 38	30 9/16 spun viscose.....	30 9/16 spun viscose.....	14 1/4
10% Blend.....	41"	68 x 38	30 9/16 spun viscose.....	30 9/16 spun viscose.....	15
20% Blend.....	42 1/2"	62 x 36	14 9/16 spun 20% acetate, 85% viscose.....	14 9/16 spun 20% acetate, 85% viscose.....	17 1/4
30% Blend.....	40"	60 x 62	20 9/16 spun 30% acetate, 70% viscose.....	20 9/16 spun 30% acetate, 70% viscose.....	18 1/4
COMBINATION YARNS (TWIST ON TWIST)					
2-ply Alpaca.....	45"	44 x 56	120 denier acetate.....	150 denier acetate.....	30
"Maglo Hour" type.....	45"	51 x 44	120 denier acetate.....	150 denier viscose crepe twist.....	31 1/4
"Oynara" type.....	47"	52 x 40	100 denier viscose crepe twist.....	100 denier viscose crepe twist.....	32
"Tricollo" type.....	48"	44 x 88	100 denier acetate.....	100 denier acetate.....	31 1/4
"Mock Romanne" type.....	47"	52 x 40	100 denier viscose crepe twist.....	100 denier viscose crepe twist.....	29 1/4

published by Price Schedule No. 23 prior to February 9, 1942 may be completed at contract prices.

[Paragraph (b) added by amendment February 7, 1942, effective February 7, 1942; 7 F.R. 906]

Issued this 23d day of August 1941.*

LEON HENDERSON,
Administrator.

PART 1342—ANIMAL HAIR

REVISED PRICE SCHEDULE NO. 24—WASHED CATTLE TAIL HAIR AND WINTER HOG HAIR

Recent expansion of United States Navy personnel has resulted in a heavy demand by the Navy for curled hair mattresses. These mattresses are composed in large part of cattle tail hair, more than two-thirds of the annual production of which was required for the mattresses purchased by the Navy during the last fiscal year. Cattle tail hair is thus a commodity of considerable importance in the defense program. The quantity of winter hog hair used by the Navy is relatively small in proportion to the country's total output, but hog hair is being used increasingly as a substitute for several scarce materials, and the market situation is also complicated by a large potential demand for hog hair to supply essential requirements under the Lease-Lend Act.

As a result of the much increased demand and the temptation to speculation which this has provided, prices of cattle tail hair and winter hog hair have shown sharp increases which are not warranted by any increase in cost of production and which can have little effect in augmenting the supply. While there is no established market price for either commodity, bids recently received by the Procurement Division of the Treasury Department for winter hog hair ranged from 10¢ to 13½¢ per pound, whereas last winter and spring price quotations on this commodity ranged between 6¼¢ and 8½¢ per pound. Such inflationary price increases, if continued, would unjustifiably increase the cost of Naval mattresses and supplies purchased under the Lease-Lend Act, as well as privately consumed products requiring curled hair.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1342.1 *Maximum price established for washed cattle tail hair, processed winter hog hair and coil dried winter hog hair.* On and after August 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, and no person shall buy, offer to buy, or accept delivery of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair at prices higher than the maximum prices set forth in

Appendix A, incorporated herein as § 1342.10.*

* §§ 1342.1 to 1342.10, inclusive, are issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1342.2 *Less than maximum prices.* Lower prices than those set forth in § 1342.10, Appendix A, may be charged, demanded, paid or offered.*

§ 1342.3 *Evasion.* The price limitations set forth in Price Schedule No. 24 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1342.4 *Records.* Every person making purchases or sales during any calendar month of 500 pounds or more of washed cattle tail hair, or 10,000 pounds or more of coil dried winter hog hair, or 5,000 pounds or more of processed winter hog hair, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each purchase or sale of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, made during such month and thereafter, showing the date thereof, the name of the buyer or the seller, the prices paid or received, and the quantity of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair so purchased or sold.*

§ 1342.5 *Affirmation of compliance.* On or before October 10th, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has purchased or sold, whether for immediate or future delivery, 500 pounds or more of washed cattle tail hair, or 10,000 pounds or more of coil dried winter hog hair, or 5,000 pounds of processed winter hog hair, shall submit to the Office of Price Administration an affirmation of compliance on Form 124:1, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 24 or with any exception or modification thereof. Copies of Form 124:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1342.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions contained in Price Schedule No. 24, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 24, the Office of Price Administration will make every effort to assure (a) that the Congress and the

public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 24. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.

§ 1342.7 *Modification of Price Schedule No. 24.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 24 may apply to the Office of Price Administration for approval of any modification thereof or exception thereto.*

§ 1342.8 *Definitions.* When used in Price Schedule No. 24, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity;

(b) "Winter hog hair" means hair removed from hogs slaughtered during the months of November, December, January, February and March;

(c) "Coil dried winter hog hair" means winter hog hair which has been washed and dried indoors by artificial heat;

(d) "Processed winter hog hair" means winter hog hair which has been washed, treated, re-washed, and dried, but does not include winter hog hair which has been dyed;

(e) "Washed cattle tail hair" means hair clipped or otherwise removed from cattle switches or tails, which has been washed and dried.*

§ 1342.9 *Effective date of Price Schedule No. 24.* This Schedule (§§ 1342.1 to 1342.10, inclusive) shall become effective August 27, 1941.*

§ 1342.10 *Appendix A: Maximum prices*—(a) *Maximum prices for washed cattle tail hair and processed winter hog hair.*

	Maximum price per pound, f. o. b. point of shipment
Washed cattle tail hair (10% moisture content basis)-----	\$0.45
Processed winter hog hair (10% moisture content basis)-----	.08

(b) *Maximum prices for coil dried winter hog hair.*

	Maximum price per ton, f. o. b. point of shipment
Coil dried winter hog hair (10% moisture content basis)-----	\$60.00

Issued this 25th day of August 1941.*

LEON HENDERSON,
Administrator.

* The maximum prices set forth herein are gross prices before discounts of any nature and include all commissions. They are not applicable to washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair imported from a foreign country.

* 6 F.R. 4417.

* Issued: 6 F.R. 4371. Amended: 6 F.R. 5073. Corrected: 6 F.R. 5220. Amended: 7 F.R. 906.

PART 1312—LUMBER AND LUMBER PRODUCTS
REVISED PRICE SCHEDULE NO. 26—DOUGLAS
FIR LUMBER

Douglas fir lumber, a Pacific Coast product, is often employed co-extensively and to some extent interchangeably with Southern pine lumber. It is widely used in the construction industry for exterior and interior finish, framing, mill work, sheathings, floorings, and sub-floorings, and in the manufacture of crates, utility furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects, and factories, and in the production of ships and airplanes. The increased need for Douglas Fir lumber has prompted government efforts to secure expanded production, but the supply has failed to keep pace with the augmented demand stemming from the defense program and the accompanying economic expansion. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Issuance of a Price Schedule is therefore necessary to protect consumers and those members of the industry who are attempting to keep prices down.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.51 *Maximum prices for Douglas fir lumber.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment except as provided in § 1312.58 hereof, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Douglas fir lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.59: *Provided*, That such maximum prices shall not apply where actual delivery has been made by the mill to a purchaser, or to a carrier for delivery to a purchaser, prior to November 10, 1941; and: *Provided*, That in the case of retail sales as defined in § 1312.57 (f), where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than \$3.50 per 1,000 ft. board measure may be added to the maximum prices set forth herein.*

[§ 1312.51, as amended, November 1, 1941, effective, November 10, 1941; 6 F.R. 5592]

*§§ 1312.51 to 1312.59, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.52 *Less than maximum prices.* Lower prices than those set forth in § 1312.59, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.53 *Evasion.* The price limitations set forth in Price Schedule No. 26 shall not be evaded by unusual charges for extending credit or for early delivery, by charges for delivery which exceed the actual cost of such delivery, except as otherwise provided in § 1312.59 (d), by unnecessarily routing lumber through a distribution yard, by unreasonable refusal to ship except in mixed cars or in specified lengths, or under other circumstances entitling the seller

to a premium, or by other direct or indirect methods. The seller shall in all cases give the purchaser the option of making his own transportation arrangements.*

[§ 1312.53 as amended, November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

§ 1312.54 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of Douglas fir lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every sale of such lumber made during such month, showing the date thereof, the name of the buyer, the prices, and grades sold. Persons affected by Price Schedule No. 26 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 26, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 26, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 26, and (c) that the procurement services of the Government are requested to refrain from purchasing Douglas fir lumber from those persons who fail to comply with Price Schedule No. 26. Persons who have evidence of any offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade provisions hereof, or of speculation, or of manipulation of prices of Douglas fir lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.56 *Modification of Price Schedule No. 26.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 26 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 26.

[§ 1312.56 as amended November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

§ 1312.57 *Definitions.* When used in Price Schedule No. 26, the term:

(a) "Person" means an individual, association, partnership, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer,

(b) "Douglas fir" means the botanical species of *Pseudotsuga taxifolia* produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountains.

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing or by planing or other comparable method, at least 25 per cent of the volume of Douglas fir logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives Douglas fir logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such logs or lumber so purchased or received by it.

(e) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to Price Schedule No. 26.

(f) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, or maintenance, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck the maximum retail sale quantity shall be 20,000 ft. board measure. For the purpose of this paragraph the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.*

[Paragraph (f) added by amendment November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

§ 1312.58 *Effective date of price schedule No. 26.*

[This Schedule (§§ 1312.51 to 1312.59, inclusive) shall become effective October 1, 1941]

§§ 1312.51, 1312.53, 1312.56, 1312.57, 1312.58 and 1312.59, as amended, shall become effective November 10, 1941: *Provided*, That firm commitments entered into prior to November 10, 1941, for the sale of Douglas fir lumber at prices not exceeding the maximum prices established by Price Schedule No. 26 before this amendment, may be completed at contract prices: *Provided*, That all deliveries pursuant to such firm commitments are completed on or before February 1, 1942.*

[§ 1312.58 as amended November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

PLANK AND TIMBERS, GREEN, ROUGH, OR S4S A. L. S.

	No. 1				Sel. Merch.				Sel. Str.			
	20' & Shtr.	22' 24'	24' 32'	34' 40'	20' & Shtr.	22' 24'	24' 32'	34' 40'	20' & Shtr.	22' 24'	24' 32'	34' 40'
3 x 3	\$34.00	\$36.50	\$39.00	\$41.50	\$38.00	\$40.50	\$43.00	\$45.50	\$40.00	\$42.50	\$45.00	\$47.50
3 x 4	32.50	35.00	37.50	40.00	36.50	39.00	41.50	44.00	37.50	40.00	42.50	45.00
3 x 6 and 3 x 8	31.00	33.50	36.00	38.50	35.00	37.50	40.00	42.50	36.00	38.50	41.00	43.50
3 x 10 and 3 x 12	30.50	33.00	35.50	38.00	34.50	37.00	39.50	42.00	35.50	38.00	40.50	43.00
4 x 4	32.00	34.50	37.00	39.50	36.00	38.50	41.00	43.50	37.00	39.50	42.00	44.50
4 x 6 and 4 x 8	31.50	34.00	36.50	39.00	35.50	38.00	40.50	43.00	36.50	39.00	41.50	44.00
4 x 10 and 4 x 12	31.00	33.50	36.00	38.50	35.00	37.50	40.00	42.50	36.00	38.50	41.00	43.50
6 x 6 and 6 x 8	30.50	33.00	35.50	38.00	34.50	37.00	39.50	42.00	35.50	38.00	40.50	43.00
8 x 8	30.50	33.00	35.50	38.00	34.50	37.00	39.50	42.00	35.50	38.00	40.50	43.00

	No. 1				Sel. Merch.				Sel. Str.			
	20' & Shtr.	22' 24'	24' 32'	34' 40'	20' & Shtr.	22' 24'	24' 32'	34' 40'	20' & Shtr.	22' 24'	24' 32'	34' 40'
6 x 10 and 6 x 12	\$20.50	\$23.00	\$25.50	\$28.00	\$24.50	\$27.00	\$29.50	\$32.00	\$25.50	\$28.00	\$30.50	\$33.00
8 x 10 and 8 x 12	20.50	23.00	25.50	28.00	24.50	27.00	29.50	32.00	25.50	28.00	30.50	33.00
10 x 10 and 10 x 12	20.50	23.00	25.50	28.00	24.50	27.00	29.50	32.00	25.50	28.00	30.50	33.00
12 x 12	20.50	23.00	25.50	28.00	24.50	27.00	29.50	32.00	25.50	28.00	30.50	33.00

For specified lengths in Select Merchantable and Select Structural Grades, add \$2.00 per 1,000 feet.
For No. 1, permitting up to 15% of No. 2, deduct \$0.50 per 1,000 feet from the No. 1 price of the same width and length.
For surfacing 1/4" off, add \$1.00 per 1,000 feet to the price for the same grade, width, and length.

(c) For export sales, an addition of not more than \$3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt estimated average weights of Douglas fir per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows:

	FLOORING	Pounds per 1,000 feet
1 x 3" and 1 x 4"	DECK SIDING	1,800
1 x 6"	Pat. 107, 113, 115, 117, 124	1,500
1 x 6"	Pat. 103, 108, 111, 114, 118	1,600
1 x 6"	Pat. 101, 104, 105, 106, 112 and rustic.	1,700
1 x 6"	Pat. 102, 109, 110, 116 and rustic.	1,800
5/8 x 4"	CEILING	1,200
1 x 4"		1,500
1 x 6"		1,700

FACTORY AND DOOR STOCK
Factory stock..... \$45.00
No. 1 shop..... 35.00
No. 2 shop..... 35.00
(b) For mixed car, mixed cargo, or mixed truck shipments \$2.00 additional per 1,000 feet board measure may be charged. A mixed car or mixed cargo shipment consists of four or more items as hereinafter defined of at least 1,000 board feet each. A mixed truck shipment consists of four or more items of at least 250 feet each. For the purpose of this definition the following classifications of lumber of any different species shall constitute an item:

- (1) Boards, shiplap or strips.
- (2) Dimension.
- (3) Planks and small timbers, not exceeding 4" in thickness.
- (4) Large timbers, exceeding 4" in thickness.
- (5) Flooring.
- (6) Siding.
- (7) Ceiling or partition.
- (8) Finish.
- (9) Rough clears.
- (10) Stepping.
- (11) Mouldings.
- (12) Silo stock.
- (13) Gutter.
- (14) Corn cribbing.
- (15) Lath.
- (16) Casing and base.

1 x 4 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 6 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 8 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 10 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 12 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 14 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 16 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 18 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 20 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 22 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 24 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 26 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 28 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 30 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 32 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 34 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 36 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 38 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 40 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 42 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 44 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 46 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 48 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 50 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 52 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 54 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 56 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 58 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 60 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 62 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 64 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 66 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 68 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 70 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 72 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 74 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 76 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 78 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 80 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 82 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 84 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 86 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 88 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 90 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 92 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 94 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 96 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 98 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 100 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 102 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 104 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 106 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 108 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 110 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 112 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 114 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 116 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 118 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 120 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 122 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 124 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 126 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 128 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 130 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 132 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 134 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 136 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 138 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 140 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 142 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 144 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 146 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 148 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 150 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 152 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 154 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 156 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 158 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 160 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 162 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 164 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 166 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 168 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 170 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 172 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 174 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 176 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 178 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 180 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 182 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 184 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 186 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 188 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 190 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 192 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 194 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 196 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 198 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 200 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 202 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 204 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 206 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 208 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 210 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 212 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 214 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 216 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 218 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 220 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 222 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 224 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 226 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 228 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 230 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 232 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 234 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 236 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 238 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 240 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 242 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 244 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 246 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 248 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 250 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 252 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 254 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 256 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 258 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 260 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 262 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 264 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 266 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 268 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 270 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 272 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 274 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 276 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 278 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 280 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 282 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 284 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 286 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 288 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 290 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 292 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 294 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 296 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 298 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 300 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 302 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 304 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 306 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 308 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 310 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 312 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 314 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 316 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 318 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 320 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 322 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 324 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 326 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 328 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 330 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 332 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 334 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 336 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 338 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x 340 M. G.: B&Btr..... \$45.00 C..... 43.00 D..... 38.00	1 x 342 M. G.: B&Btr..... \$50.00 C..... 48.00 D..... 40.00	1 x 344 M. G.: B&Btr..... \$60.00 C..... 55.00 D..... 45.00	1 x
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BOARDS

	Dry	Green
1 x 3" and 4"-----	2,100	2,400
1 x 6" and wider-----	2,200	2,500

For 1/4" off surfacing, 100 lbs. less.
For Shiplap, D&M or C. M., deduct 100 from S4S.

Dimension, Plank and Small Timbers

	S4S Stand- ard dry	S4S Stand- ard green	OM and S1S or S2S standard	
			Dry	Green
2 x 3"-----	2,100	2,400	1,900	2,150
2 x 4"-----	2,200	2,500	2,030	2,300
2 x 6"-----	2,250	2,550	2,100	2,400
2 x 8"-----	2,300	2,600	2,150	2,450
2 x 10"-----	2,350	2,650	2,200	2,500
2 x 12"-----	2,400	2,700	2,250	2,550
3 x 3"-----	2,400	2,700	2,250	2,550
3 x 4"-----	2,400	2,700	2,250	2,550
3 x 6"-----	2,400	2,700	2,250	2,550
3 x 8"-----	2,400	2,700	2,250	2,550
3 x 10"-----	2,400	2,700	2,250	2,550
3 x 12"-----	2,400	2,700	2,250	2,550
4 x 4"-----	2,500	2,800	2,400	2,650
4 x 6"-----	2,500	2,800	2,400	2,650
4 x 8"-----	2,500	2,800	2,400	2,650
4 x 10"-----	2,500	2,800	2,400	2,650
4 x 12"-----	2,500	2,800	2,400	2,650

DIMENSION SURFACE 1/4" OFF

	S4S 1/4" off by indicated width green
2 x 2"---1/4" off each way-----	2,550
2 x 3"---1/4" off each way-----	2,550
2 x 4"---1/4" off each way-----	2,750
2 x 6"---1/4" off each way-----	2,800
2 x 8"---1/4" off each way-----	2,850
2 x 10"---1/4" off each way-----	2,850
2 x 12"---1/4" off each way-----	2,850
2 x 10"---1/4" off by 1/2" off in width-----	2,750
2 x 12"---1/4" off by 1/2" off in width-----	2,800

PLANK AND SMALL TIMBERS, AND TIMBERS

	Green surfaced 1/4" off each way
3 x 3-----	2,800
3 x 4-----	2,850
3 x 6, 3 x 8, and 3 x 10-----	2,950
3 x 12-----	3,000
4 x 4-----	2,950
4 x 6-----	3,000
4 x 8, 4 x 10, and 4 x 12-----	3,050
6 x 6-----	3,050
6 x 8 and 6 x 10-----	3,100
6 x 12-----	3,150
8 x 8, 8 x 10, and 8 x 12-----	3,150
10 x 10 and 10 x 12-----	3,150
12 x 12-----	3,200

DIMENSION, ROUGH OR S1E

Green-----	3,300
2", dry-----	2,900
3" and thicker, dry-----	3,100

FIR—TIMBERS

	Green A. L. S. (rough, 3,300 lb.)
6 x 6 and 6 x 8-----	2,900
8 x 8-----	3,000
6 x 10 and 6 x 12-----	2,900
8 x 10 and 8 x 12-----	3,000
10 x 10 and 10 x 12-----	3,000
12 x 12-----	3,100

[§ 1312.59 as amended November 1, 1941,
effective November 10, 1941; 6 F.R. 5592]

Issued this 11th day of September
1941.¹

LEON HENDERSON,
Administrator.

¹Issued: 6 F. R. 4666. Amended: 6 F. R.
5592.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 28—ETHYL
ALCOHOL

A sharp increase in the demand for ethyl alcohol has occurred in recent months. Ethyl alcohol is not only essential for the production of high explosives used by the armed forces, but is also used in the manufacture of many civilian products related to national defense. Upon the price of ethyl alcohol depends the price of many other essential chemicals. Investigation by the Office of Price Administration reveals that since the beginning of this year the tank car price of ethyl alcohol SD2B, the basic formula among those affected by this schedule, has risen from 22½ cents per gallon to 24½ cents per gallon and is threatening to rise even higher. The average price of the same formula in 1940 was 20½ cents per gallon. On August 30, 1941, producers, dealers, and purchasers of industrial solvents were requested by the Administrator of the Office of Price Administration not to raise prices above the July 29, 1941, level without prior consultation with his Office. Despite this request and without prior consultation, one of the largest manufacturers of ethyl alcohol recently quoted a price of 49 cents per gallon for SD2B with respect to a proposed order for defense purposes. Other increases in price have also been noted, although the majority of the industry has shown cooperation in keeping the price of SD2B at 24½ cents. After a conference with members of the industry, the Office of Price Administration has determined that, under existing circumstances, there is no justifiable reason for raising the price above 24½ cents, and that further increases in price would therefore be inflationary in character.

Such an inflationary movement in the price of prime chemicals would tend to weaken the defense effort by causing dislocations, price spiraling, and profiteering.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.150 *Maximum prices for ethyl alcohol.* On and after September 15, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer ethyl alcohol in quantities of 500 gallons or more when packaged in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept deliveries of ethyl alcohol in quantities of 500 gallons or more when so packaged, from any manufacturer, at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1335.159.*

*§§ 1335.150 to 1335.159 inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1335.151 *Less than maximum prices.* Lower prices than those set forth in § 1335.159, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.152 *Evasion.* The price limitations set forth in Price Schedule No. 28 shall not be evaded whether by direct or indirect methods in connection

with a purchase, sale, delivery, or transfer of ethyl alcohol, or in connection with a purchase, sale, delivery, or transfer of any other material by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement, or other trade understanding, or otherwise.*

§ 1335.153 *Records and reports.* Every person making purchases or sales of ethyl alcohol in quantities of 500 gallons or more shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each sale showing the date thereof, and the name and address of the buyer, the prices received, the specifications and quantity, including the size of the containers of the ethyl alcohol sold.*

§ 1335.154 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer who, during the preceding calendar month, has made sales of ethyl alcohol in quantities of 500 gallons or more when packaged in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 128-1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 28 or with any exception or modification thereof. Copies of Form 128-1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 28, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 28, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 28, and (c) that the procurement services of the Government are requested to refrain from purchasing ethyl alcohol from those persons who fail to conform to Price Schedule No. 28. Persons who have evidence of the offer, receipt, or demand of payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or of manipulation of prices of ethyl alcohol, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.156 *Modification of Price Schedule No. 28.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 28 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom.*

§ 1335.157 *Definitions.* When used in Price Schedule No. 28 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a factory, plant, or distillery, which manufactures or produces ethyl alcohol.

(c) "Ethyl alcohol" means the formulae of ethyl alcohol listed in § 1335.159, Appendix A, hereof and specified by or registered with the United States Treasury Department, Bureau of Internal Revenue.*

§ 1335.158 *Effective date of Price Schedule No. 28.* This Schedule (§§ 1335.150 to 1335.159, inclusive) shall become effective on September 15, 1941.*

§ 1335.159 *Appendix A: Maximum prices for ethyl alcohol.* The following maximum prices are established for ethyl alcohol (188-190 proof unless otherwise indicated) of the formulae listed below whether produced synthetically or from the fermentation of molasses, corn or other raw material:

(a) *Eastern territory.*

	Per wine gallon (231 cubic inches)	
	f. o. b.	At shipping point
(1) Tank cars:		
CD12-----	\$0.58	----
CD13-----	.58	----
CD14-----	.58	----
SD1-----		\$0.53
SD2B-----		.50
SD3A-----		.53
SD12A-----		.51
SD23A-----		.53
SD23G-----		.56
SD23H-----		.535
Proprietary name CDA-----	.58	----
Proprietary name solvent-----		.54

In the case of ethyl alcohol produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is \$2.47 per hundred pounds of sugar content delivered to the plant of the producer. For each increase or decrease of \$0.10 in such cost, the maximum prices for such ethyl alcohol shall be the above maximum prices plus or minus \$0.015.

(2) *Less than tank car quantities.* For quantities of less than tank cars the following differentials, plus a reasonable charge for containers, may be added to the maximum prices established in subparagraph (1) above.

	Per wine gallon (231 cubic inches)
Drums or barrels, C. L.-----	\$0.035
Drums or barrels, LCL, 19 or more-----	.08
Drums or barrels, LCL, 1-18-----	.09

(b) *Western territory.* 4 cents per gallon may be added to the maximum prices established by subparagraphs (1) or (2) above, as the case may be.

(c) *Anhydrous ethyl alcohol (200 proof).* 3 cents per gallon may be added to the maximum prices established by paragraphs (a) or (b) above, as the case may be.

(d) When used in this Appendix, the term "Eastern" territory shall mean the states of New Mexico, Colorado, Wyoming, and Montana, and all states east thereof; the term "Western" territory

shall mean all other states of the United States.*

[§ 1335.159 as amended December 18, 1941, effective January 1, 1942; 6 F.R. 6615]

Issued this 15th day of September 1941.*

LEON HENDERSON,
Administrator.

PART 1345—COKE

REVISED PRICE SCHEDULE NO. 29—BY-PRODUCT FOUNDRY AND BY-PRODUCT BLAST FURNACE COKE

By-product foundry and by-product blast furnace coke are important elements in the manufacture of iron and steel. Maximum prices have been established for pig iron and iron and steel scrap, other important elements of iron and steel costs.

Prices of by-product foundry and by-product blast furnace coke are now from \$1.00 to \$1.25 per ton higher than a year ago. A further upward movement of coke prices would exert pressure upon the prices of iron and steel. The stabilization of present coke prices is important in the prevention of inflation.

After full investigation and conferences with representatives of the coke industry, it has been determined that the establishment of maximum prices for by-product foundry and blast furnace coke is essential and is in the interest of national defense and the public welfare. Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1345.1 *Maximum prices for by-product foundry and by-product blast furnace coke.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, by-product foundry or by-product blast furnace coke, and no person shall buy, offer to buy, or accept delivery of by-product foundry or by-product blast furnace coke at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1345.9 and 1345.10 respectively.*

* §§ 1345.1 to 1345.11, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1345.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1345.9 and 1345.10) may be charged, demanded, paid or offered.*

1345.3 *Evasion.* The price limitations set forth in Price Schedule No. 29 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery or transfer of by-product foundry or by-product blast furnace coke, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

* Issued: 6 F.R. 4761. Amended: 6 F.R. 6615.

§ 1345.4 *Records and reports.* Every person making purchases or sales of by-product foundry or by-product blast furnace coke after October 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 29 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1345.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 29, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 29, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 29. Persons who have evidence of any offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of by-product foundry or by-product blast furnace coke, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1345.6 *Modification of Price Schedule No. 29.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 29 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1345.7 *Definition.* When used in Price Schedule No. 29, the term "person" means an individual, partnership, association, corporation or other business entity.*

§ 1345.8 *Effective date of Price Schedule No. 29.* This Schedule (§§ 1345.1 to 1345.10, inclusive) shall become effective October 1, 1941.*

§ 1345.9 *Appendix A: Maximum prices for by-product foundry coke per net ton (2,000 lbs.).—(a) General provisions.* The maximum delivered price for by-product foundry coke shall be the price f. o. b. cars at the governing oven plant, plus the lowest established rail transportation charges, from that oven plant, to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

F. o. b. oven plant in Location of oven plant: cars (per net ton)	
Alabama-----	\$8.50
Chicago, Ill.-----	11.50

Location of oven plant:	F. o. b. oven plant in cars (per net ton)
Ashland, Ky.	\$10.00
Detroit, Mich.	11.75
Kearny, N. J.	12.15
Buffalo, N. Y.	11.75
Ironton, Ohio.	10.00
Painesville, Ohio.	11.25
Portsmouth, Ohio.	10.00
Erie, Pa.	11.75
Philadelphia, Pa.	11.75
Chattanooga, Tenn.	9.00
Fairmont, W. Va.	10.00
Milwaukee, Wis.	12.25

(b) *Exceptions*—(1) *Place of delivery within New England and part of New York.* The maximum delivered price in the States of Connecticut, Rhode Island, Massachusetts and New Hampshire and in that portion of the States of New York, Maine and Vermont wherein the lowest established rail transportation charge for by-product foundry coke from Everett, Mass., is \$3.10 per net ton or less, shall be \$13.75 per net ton less \$0.15 per net ton discount for cash within ten days from date of delivery.

The maximum delivered price within that portion of the States of Maine and Vermont wherein the lowest established rail transportation charge for by-product foundry coke from Everett, Mass., exceeds \$3.10 per net ton shall be \$10.65 plus the lowest established rail transportation charge from Everett, Mass., to the place of delivery.

(2) *Place of delivery within certain switching districts.* Except as set forth in (b) (3) below, the maximum delivered prices within the following switching districts are:

District	Delivered price per net ton
Chicago, Illinois.	\$12.25
Birmingham & Tarrant, Ala.	9.40 (1)
St. Louis, Mo. & E. St. Louis, Ill.	12.25 (1)
Indianapolis, Indiana.	12.00
Terre Haute, Indiana.	12.00
Detroit, Michigan.	12.25
Buffalo, New York.	12.50
Cincinnati, Ohio.	11.75
Cleveland, Ohio.	12.30
Erie, Pennsylvania.	12.25
Philadelphia, Pa.	12.38
St. Paul & Minneapolis, Minn.	14.00

(i) Except that the maximum delivered price to consumers qualifying under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. O. No. 220-C establishing a furnace raw material freight rate of \$0.60 per ton shall be \$9.10.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of \$12.75.

(3) *Place of delivery within certain switching districts when shipments thereto are from Alabama ovens.* The maximum delivered prices within the following switching districts for by-product foundry coke shipped from the State of Alabama are:

District	Delivered price
Chicago, Illinois.	\$12.85
Detroit, Michigan.	12.45
Indianapolis, Indiana.	12.45
Cleveland, Ohio.	12.40
Chattanooga, Tenn.	9.92
Bayonne, New Jersey.	16.96
Williamsburg, Ohio.	11.85

(4) *Place of delivery within Ohio or certain parts of New York.* Whenever

the place of delivery is located within the States of Ohio or New York, other than that part of New York for which a maximum delivered price was established in (b) (1) above, the Fairmont, West Virginia, oven plant shall not be considered in determining the "governing oven plant," except whenever the shipment is made from the Fairmont, West Virginia, oven plant.

(5) *Place of delivery within Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah or Virginia.* Whenever the place of delivery is located (excepting the switching districts set forth in (b) (2) above) within the States of Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah, or Virginia, the Alabama and Chattanooga, Tennessee oven plants shall not be considered in determining the "governing oven plant," except whenever the shipment is made from the oven plants at Alabama, Chattanooga, Tennessee, or St. Louis, Missouri: *Provided, however,* That the maximum delivered price in those areas shall not exceed the Alabama f. o. b. oven plant price plus the lowest established rail transportation charge from the Alabama oven to the place of delivery, plus \$0.75 per net ton.

(6) *Place of delivery within Oklahoma, Nevada, Texas, Arizona, New Mexico or Idaho.* Whenever the place of delivery is located within the States of Oklahoma, Texas, Nevada, Arizona, New Mexico or Idaho, the Alabama and Chattanooga, Tennessee, oven plants shall not be considered in determining the "governing oven plant" except when the shipment is made from such oven plants: *Provided, however,* That when the shipment is made from any other oven plant, the maximum price at such oven plant may not exceed \$10.00 per net ton.

(7) *Place of delivery within Eastern Pennsylvania, Southern New Jersey, Delaware and Maryland.* Whenever the place of delivery is located within eastern Pennsylvania,¹ southern New Jersey,² Delaware or Maryland,³ the maximum delivered price shall be as follows:

When the lowest established rail transportation charge for by-product foundry coke from Swedeland, Pa. to the place of delivery is:

Freight rate per net ton:	The maximum price per net ton shall be
\$0.68 and less.	\$12.38
\$0.69 to \$0.96, inclusive.	12.40
\$0.97 to \$1.60, inclusive.	12.45
\$1.67 to \$2.24, inclusive.	12.70
\$2.25 to \$2.50, inclusive.	12.80
\$2.51 to \$2.85, inclusive.	12.95
\$2.86 and over.	\$10.35

¹ That portion of the state east of a line running approximately north and south through Lawrenceville, Pa. (Tioga County) and Kingsdale, Pa. (Adams County).

² That portion of the state south of a line running from a point immediately north of Phillipsburg, N. J., to a point immediately north of Asbury Park, N. J.

³ Excluding Washington County.

⁴ Delivered.

⁵ F. o. b. oven plant.

(8) *Place of delivery with Western Pennsylvania or Washington County, Maryland.* Whenever the place of delivery is located in the counties of Erie (excepting City of Erie switching district), Crawford, Warren, McKean, Elk, Forest, Venango, and Mercer, the Fairmont, W. Va., oven plant shall not be considered in determining the "governing oven plant," except when the shipment is made from such oven plant: *Provided, however,* That the maximum delivered price shall not exceed the Fairmont, W. Va., oven plant price plus the lowest established rail transportation charge for by-product foundry coke from Fairmont, West Virginia, to the place of delivery, plus 25¢ per net ton.

Whenever the place of delivery is located in the remaining counties of Western Pennsylvania⁴ or Washington County, Maryland, the Fairmont, W. Va., oven plant shall not be considered in determining the "governing oven plant," except when the shipment is made from such oven plant: *Provided, however,* (i) That the maximum delivered price shall not exceed the Fairmont, W. Va., oven plant price plus the lowest established rail transportation charge for by-product foundry coke to the place of delivery, plus 75¢ per net ton and (ii) when shipment is from the ovens at Painesville, Ohio, or Swedeland, Pennsylvania, the maximum delivered price shall not exceed \$10.00 per net ton ovens, plus the lowest established rail transportation charge for by-product foundry coke from such oven to the place of delivery.

(9) *Place of delivery within California, Oregon, and Washington.* On shipments to the States of California, Oregon, and Washington, the governing oven plant may be Chicago, Ill.: *Provided,* That when shipment is from the oven plants listed in paragraph (a) of this Appendix, the maximum delivered price may not exceed the f. o. b. oven plant price at such oven plants, plus the lowest established rail transportation charge for by-product foundry coke.

(10) *Delivery other than by railroad.* When delivery is by means other than railroad, the maximum delivered price shall be the price as computed in this Appendix but adjusted to provide the customary differential or charge in effect on September 18, 1941, for such means of delivery.*

[§ 1345.9 as amended, February 2, 1942, effective February 7, 1942; 7 F.R. 721]

§ 1345.10 *Appendix B: Maximum prices for by-product blast furnace coke per net ton (2,000 pounds).* The maximum price f. o. b. oven plant on by-product blast furnace coke which may be charged by any person at each oven plant, shall be \$0.75 per net ton above the weighted average price f. o. b. oven plant of such coke delivered by such person from each oven plant during the first quarter of 1941: *Provided,* That this Appendix B shall not apply to sales or shipments made after the issuance of Price Schedule No. 29 at less than \$6 per

* That portion of the state west of a line running approximately north and south through Lawrenceville, Pa. (Tioga County) and Kingsdale, Pa. (Adams County).

net ton f. o. b. oven plant. The weighted average price means the average of the prices for which such coke was sold during such period weighted by the tons of such coke sold at each price.

Every person who produces and sells by-product furnace coke shall file prices at which such coke was delivered, and the quantity delivered at each price during the first quarter of 1941. Such information shall be filed with the Office of Price Administration, Washington, D. C., on or before September 27, 1941.

Persons who become producers and sellers of by-product blast furnace coke after the first quarter of 1941 shall apply to the Office of Price Administration for a maximum price. Such application shall be made on Form 129:2, supplied by the Office of Price Administration.*

[Paragraph immediately above added by amendment, February 2, 1942, effective February 7, 1942; 7 F.R. 721]

§ 1345.11 *Geographical application.* The provisions of Price Schedule No. 29 shall apply only to sales, offers to sell or delivery of by-product blast furnace coke within, into, or out of one of the forty-eight States of the United States or the District of Columbia.

[§ 1345.11 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 721]

Issued this 18th day of September 1941.¹

LEON HENDERSON,
Administrator.

PART 1347—PAPER AND PAPER PRODUCTS REVISED PRICE SCHEDULE NO. 30—WASTE- PAPER²

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined after an exhaustive investigation and after numerous conferences with representatives of all branches of the trade, that the establishment of maximum prices for wastepaper is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable.

The defense effort has placed an increasing burden upon the wastepaper supply since it is a basic raw material in the manufacture of containers for food and manufactured products. Additional demands upon the wastepaper supply are made by manufactures of almost all types of paper, the channels of trade through which wood pulp was imported having been shut off by the war. Inflationary price rises threaten, and immediate action to prevent disastrous price spiraling is essential.

For several months this Office has attempted to prevent unwarranted price

increases through the medium of individual voluntary price agreements. The more responsible dealers and mills have evidenced a willingness to cooperate. This segment of the industry has been unable to keep prices within those established by the agreements, however, because of certain operators who have put high prices before national welfare, and have attempted to circumvent the price agreements.

[Preamble as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

Accordingly, under the authority vested in me by Executive Order No. 8734,* it is hereby directed that:

§ 1347.1 *Maximum prices for wastepaper.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the continental United States, no person shall sell, offer to sell, deliver or transfer wastepaper, and no person shall buy, offer to buy, or accept delivery of wastepaper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.10.

[§ 1347.1 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

*§§ 1347.1 to 1347.10, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1347.2 *Less than maximum prices.* Lower prices than those set forth in § 1347.10, Appendix A, may, however, be charged, demanded, paid or offered.*

§ 1347.3 *Evasion.* The price limitations set forth in Price Schedule No. 30 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of waste paper, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.4 *Records.* Every person making purchases or sales aggregating ten short tons or more of any or all grades of waste paper in any one month shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each purchase or sale of waste paper made during such month and each month thereafter, showing the date thereof, the name of the buyer or of the seller, the prices paid or received, and the quantity and grade or grades so purchased or sold. Such records shall set forth separately the f. o. b. point of shipment price and the transportation charge.*

§ 1347.5 *Affirmation of compliance.* All persons who are required by § 1347.4 to keep records, shall transmit, on or before November 10, 1941, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 130:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with Price Schedule No. 30 or with any exception or modification thereof. Copies of Form 130:1 can be procured from the Office of Price Administration or, pro-

vided no change is made in the style and content of it and that it is reproduced on 8" x 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 30, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 30, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 30 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 30. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of waste paper or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.7 *Modification of Price Schedule No. 30.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 30 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1347.8 *Definitions.* When used in Price Schedule No. 30, or any modifications or exceptions thereto, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

(b) "Wastepaper" includes all kinds, and grades and types of wastepaper.

(c) "Consumer" means a purchaser, for its own consumption, of wastepaper, i. e. paper mill, paperboard mill, roofing mill, etc.

(d) "Producer" means any person who produces, collects, sorts, packs, offers for sale, sells, or exchanges any wastepaper.*

(e) "Broker", commonly known as a wastepaper broker, means any person who sells to consumers wastepaper not packed by such person, and purchased by such person in the condition in which it is to be delivered to the consumer.

[Paragraph (e) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

§ 1347.9 *Effective date.* This Price Schedule (§§ 1347.1 to 1347.10, inclusive) shall become effective on October 1, 1941.*

§ 1347.10 *Appendix A: Maximum prices for wastepaper—(a) Grades and maximum prices per short ton f. o. b. point of shipment.*

¹ Issued: 6 F.R. 4821. Amended: 7 F.R. 721.

² Issued as "Wastepaper Sold East of the Rocky Mountains." Title changed to "Wastepaper" by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

Grades	Maximum prices per short ton ¹ f. o. b. point of shipment ²
No. 1 Mixed Paper ⁵ -----	\$14.00
*No. 1 News ⁶ -----	15.00
Overissue News ⁷ -----	17.00
**Old Corrugated Containers ⁸ -----	20.00
***New Corrugated Cuttings ¹⁰ -----	21.50
Box Board Cuttings ¹¹ -----	14.50
White Blank News ¹² -----	33.00
Extra Manillas ¹³ -----	37.00
New Manila Envelope Cuttings ¹⁴ -----	53.00
One Cut New Manila Envelope Cuttings ¹⁵ -----	57.50
Manila Tabulating Cards, Plain Manila Color, free from groundwood ¹⁶ -----	45.00
Manila Tabulating Cards, Colored, free from groundwood ¹⁷ -----	30.00
Manila Tabulating Cards, Groundwood, Plain Manila Color ¹⁸ -----	27.00
Manila Tabulating Cards, Groundwood, Colored ¹⁹ -----	20.00
No. 1 Hard White Shavings, unruled ²⁰ -----	57.50
No. 1 Hard White Shavings, ruled ²¹ -----	50.00
Hard White Envelope Cuttings ²² -----	62.50
One Cut Hard White Envelope Cuttings ²³ -----	67.50
No. 1 Soft White Shavings ²⁴ -----	50.00
One Cut Soft White Shavings ²⁵ -----	57.50
Miscellaneous Soft White Shavings ²⁶ -----	43.00
No. 1 Fly Leaf Shavings ²⁷ -----	33.50
No. 2 Fly Leaf Shavings ²⁸ -----	22.50
No. 1 Groundwood Fly Leaf Shavings ²⁹ -----	25.00
No. 2 Mixed Colored Groundwood Shavings ³⁰ -----	18.00
Mixed Color Shavings ³¹ -----	15.00
No. 1 Heavy Books and Magazines ³² -----	31.50
Mixed Books ³³ -----	20.50
Overissue Magazines ³⁴ -----	33.50
No. 1 Mixed Ledger (Colored Ledger) ³⁵ -----	37.50
No. 1 White Ledger ³⁶ -----	43.50
No. 1 Assorted Kraft (Old Kraft) ³⁷ -----	35.00
Triple Sorted No. 1 Brown Soft Kraft ³⁸ -----	50.00
Mixed Kraft Envelope and/or Bag Cuttings ³⁹ -----	55.00
Kraft Envelope Cuttings ⁴⁰ -----	65.00
New 100% Kraft Corrugated Cuttings ⁴¹ -----	45.00

*Grade changed from "No. 1 Baled News" by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

**Price changed from \$16.50 to \$20.00 by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

***Price changed from \$18.00 to \$21.50 by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

Note: The item "Old Kraft Corrugated Containers", \$27.00⁸ revoked by amendment January 15, 1942, effective January 19, 1942; 7 F.R. 313.

When used in these footnote definitions the terms:

"Objectionable papers" include carbon, waxed, paraffined, oil treated, greased, glazed, parchment, asphalt, tar, wall, friction board, book-covers, cloth bound, heavy cores, tympan, pressboard, used billboard stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printer's rolls, and paper strings; and

"Foreign Materials" include every non-paper substance that can not be manufactured into paper, including, but in no way limiting the generality of the above: cellophane, rags, rubbers, strings, vulcanized fibre, metals and rubbish of all kinds.

¹ [Footnote 1 revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.]

² All prices represent the maximum prices for the respective grades of wastepaper, the highest qualities of which are defined in the footnotes below. Other qualities of

wastepaper of the grades defined must be sold at or below the maximum prices established. The prices established in Price Schedule No. 30 are the maximum prices to be charged or paid and no differentials or service charges other than those specifically provided in this Appendix are to be added.

³ In all instances tare is not to exceed 2% of the gross weight per bale.

⁴ All prices established by Price Schedule No. 30 shall be for wastepaper f. o. b. freight cars, trucks or barges at the point of shipment, or, in case of exports, f. a. s. the vessel at the port of export. Except in the case of exports, no charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to the buyer, may be added to the point of shipment price. The point of shipment shall be the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer, or, in the case of exports, f. a. s. the vessel at the port of export. Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by Price Schedule No. 30, plus the appropriate transportation allowances set forth in paragraph (b) below, or, in the case of exports, plus the allowance set forth in (a) below, if any, and/or any costs incident to movement beyond the point of shipment.

To the prices established by Price Schedule No. 30, in the case of wastepaper exported for papermaking, the following allowance may be added:

(a) If the wastepaper to be exported for the purpose of papermaking has been baled to meet the requirements of maritime handling and is transported to the dock or other place of delivery to an ocean carrier for export shipment at the expense of the seller, an amount not in excess of \$3.00 per short ton may be added to the maximum prices established by Price Schedule No. 30 to cover the cost of such baling and transportation, which additional amount must be listed as a separate item on the invoice. No such charge may be added in the event the broker or producer has not kept the records required by § 1347.4.

[Footnote 4 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

"No. 1 Mixed Paper" shall consist of clean, dry, sorted and repacked wastepaper free from objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, printer's waste, container manila, print manila, and so forth: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of \$12.00 per short ton.

[Footnote 5 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

"No. 1 News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers, and packed in bales or bundles: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of \$13.00 per short ton.

[Footnote 6 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

"Overissue News" shall consist of all-white, large size, overrun newspapers from a newspaper office (not over 60 days old) and must be packed in securely tied bundles, small or large bales.

"Old Corrugated Containers" shall consist of clean, dry, sorted and repacked corrugated or solid fibre containers of kraft or any other paper substance free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of \$18.00 per short ton.

[Footnote 8 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

* [Footnote 9 revoked by amendment January 15, 1942, effective January 19, 1942; 7 F.R. 313]

"New Corrugated Cuttings" shall consist of new corrugated cuttings of "jute" from a corrugating plant, or solid fibre or corrugated container converting plant, and shall be free from foreign materials, mixed and objectionable papers. Must be packed in small or large bales.

"Boxboard Cuttings" shall consist of clean, dry cuttings from paperboard converting plants or other users of paperboard, free from objectionable and mixed papers and foreign materials, packed in large machine compressed bales weighing 650 pounds or more.

"White Blank News" shall consist of clean, dry, white news cuttings or sheets, free from mixed and objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more.

"Extra Manillas" shall consist of clean, dry, unprinted manila paper of uniform natural manila color, free from yellow news blanks, paper towels, canary colored blanks, goldenrod and bogus stock, as well as mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

"New Manila Envelope Cuttings" shall consist of clean, dry, new manila cuttings or sheets of miscellaneous shades from envelope factories, free from printed stock of any kind, mixed and objectionable papers and foreign materials and must be packed in small or large bales.

"One Cut New Manila Envelope Cuttings" shall consist of one cut, one shade, clean, dry, new manila cuttings or sheets from envelope factories containing not more than 10% groundwood and free from printed stock of any kind, mixed and objectionable papers and foreign materials. Must be packed in small or large bales.

"Manila Tabulating Cards, Plain Manila Color, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors, from groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any colored cards are included, the packing shall be designated, "Manila Tabulating Cards, Colored, Free From Groundwood". If any groundwood is included, the packing shall take the appropriate groundwood classification.

"Manila Tabulating Cards, Colored, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of colored stock, free from all groundwood and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any groundwood is included the packing shall be designated, "Manila Tabulating Cards, Groundwood, Colored".

"Manila Tabulating Cards, Groundwood, Plain Manila Color" shall consist of clean, dry punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors; containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in

bales or bags. If any colored cards are included, the packing shall be designated "Manila Tabulating Cards, Groundwood, Colored."

"Manila Tabulating Cards, Groundwood, Colored" shall consist of clean, dry punched or unpunched printed manila tabulating cards of colored stock, containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in bales or bags.

"No. 1 Hard White Shavings, Unruled" shall consist of clean, dry unruled bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more. If any ruled paper is present in the bale, the packing shall be designated, "No. 1 Hard White Shavings, Ruled."

"No. 1 Hard White Shavings, Ruled" shall consist of clean, dry ruled and unruled, bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

"Hard White Envelope Cuttings" shall consist of clean, dry bond or writing paper shavings of miscellaneous shades free from all colors and tints parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

"One Cut Hard White Envelope Cuttings" shall consist of one cut, one shade, clean, dry bond or writing paper shavings containing sulphite or rags or a mixture of both, and free from all colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

"No. 1 Soft White Shavings" shall consist of clean, dry, unprinted all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present, the packing shall be designated, "Miscellaneous Soft White Shavings".

"One Cut Soft White Shavings" shall consist of one cut, one shade, clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present the packing shall be designated "Miscellaneous Soft White Shavings".

"Miscellaneous Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings of various shades, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials and containing in excess of 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

"No. 1 Fly Leaf Shavings" shall consist of magazine and/or catalog trim and shall contain the bleed of the cover and insert stock, but shall be free from all solid color stock, groundwood stock, and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated,

"No. 1 Groundwood Fly Leaf Shavings".

"No. 2 Fly Leaf Shavings" shall consist of magazine and catalog trim and may contain cover and insert stock which may consist of solid color and other color stock but shall be free from groundwood stock and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

"No. 1 Groundwood Fly Leaf Shavings" shall consist of telephone book and magazine trim, free of all bleed and coated stock, consisting of all white paper except colored cover stock. This grade shall be free from objectionable papers and foreign materials and must be packed in small or large bales. If any bleed and coated stock is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

"No. 2 Mixed Colored Groundwood Shavings" shall consist of a mixture of white and colored trim, including bleed and printed stock throughout, but free from rotogravure stock and objectionable papers and foreign materials. Must be packed in small or large bales.

"Mixed Colored Shavings" shall consist of a mixture of white and colored trim, including bleed, printed and rotogravure stock, free from objectionable papers and foreign materials. Must be packed in small or large bales.

"No. 1 Heavy Books and Magazines" shall consist of dry, clean books and magazines containing not over 2% groundwood and/or outthrows, free from shavings and crumpled stock, heavily inked, deeply colored, gilt, aluminum and varnished cover stock, lithographed, parchment, groundwood, rotogravure and cover papers, as well as mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

"Mixed Books" shall consist of dry, clean books and magazines containing not over 25% total outthrow, including kraft and groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or securely tied bundles. If the bale contains more than 25% outthrows, the packing shall be designated "No. 1 Mixed Paper".

[Footnote 33 as amended February 2, 1942, effective February 3, 1942; F.R. 660]

"Overissue Magazines" shall consist of clean, dry, fresh, overrun and misprint, unsold magazines and books, quire waste and stitchless stock. Coated stock shall not exceed 5% of the gross weight of any one delivery. Must be packed in small or large bales or securely tied bundles.

"No. 1 Mixed Ledger (Colored Ledger)" shall consist of white and light colored ledger and writing waste containing not more than 2% groundwood and/or outthrows, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

"No. 1 White Ledger" shall consist of white ledger and writing waste containing not more than 2% groundwood and/or outthrows, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

"No. 1 Assorted Kraft (Old Kraft)" shall consist of brown kraft waste free from corrugated waste of any kind, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

"Triple Sorted No. 1 Brown Soft Kraft" shall consist of old soft brown sulphate kraft paper guaranteed 100% free from wax, tar, kraft corrugated boards, and all imitation or bogus sheets, and shall be clean, dry and free

from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

"Mixed Kraft Envelope and/or Bag Cuttings" shall consist of mixed 100% Northern and/or Southern Kraft Cuttings from strictly new envelope and/or paper bag stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

"Kraft Envelope Cuttings" shall consist of 100% Northern kraft cuttings from strictly new envelope paper stock, free from objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

"New 100% Kraft Corrugated Cuttings" shall consist of cuttings, trimmings or shavings from new 100% kraft corrugated stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers, and foreign materials. Must be packed in small or large bales.

(b) The maximum delivered price for wastepaper shall not exceed the established point of shipment price set forth in (a) hereof, plus such of the following transportation allowances as are shown as separate items in the billing or invoices.

(1) When transportation to the buyer is by public carrier, the lowest established transportation rate available for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer, an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

Haul	Per short ton
5 miles or less.....	\$.60
6 miles to 10 miles.....	.60
11 miles to 15 miles.....	.70
16 miles to 20 miles.....	.80
21 miles to 25 miles.....	.80
26 miles to 30 miles.....	1.00
31 miles to 35 miles.....	1.10
36 miles to 40 miles.....	1.20
41 miles to 45 miles.....	1.30
46 miles to 50 miles.....	1.40
51 miles to 55 miles.....	1.50
56 miles to 60 miles.....	1.60
61 miles to 65 miles.....	1.70
66 miles to 70 miles.....	1.80
71 miles to 75 miles.....	1.90
76 miles to 80 miles.....	2.00
81 miles to 85 miles.....	2.10
86 miles to 90 miles.....	2.20
91 miles to 95 miles.....	2.30
96 miles to 100 miles.....	2.40
101 miles to 105 miles.....	2.50
106 miles to 110 miles.....	2.60
111 miles to 115 miles.....	2.70
116 miles to 120 miles.....	2.80
121 miles to 125 miles.....	2.90
126 miles to 130 miles.....	3.00
131 miles to 135 miles.....	3.10
136 miles to 140 miles.....	3.20
141 miles to 145 miles.....	3.30
146 miles to 150 miles.....	3.40
151 miles to 155 miles.....	3.50
156 miles to 160 miles.....	3.60
161 miles to 165 miles.....	3.70
166 miles to 170 miles.....	3.80
171 miles to 175 miles.....	3.90
176 miles to 180 miles.....	4.00
181 miles to 185 miles.....	4.10
186 miles to 190 miles.....	4.20
191 miles to 195 miles.....	4.30
196 miles to 200 miles.....	4.40

Where the distance is greater than 200 miles from the point of shipment to the

consumer, such seller may add to the f. o. b. point of shipment price the actual charges for an identical shipment.

All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the wastepaper, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

[Paragraph (b) added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660. Former paragraph (b) on "Jobber's Allowance" revoked by amendment February 2, 1942, effective February 3, 1942]

(c) (1) In the event that a consumer of wastepaper shall purchase wastepaper through a broker as defined in § 1347.8 (e), hereof, such consumer may pay such broker not more than the maximum price herein plus a broker's allowance not to exceed the following percentages of the price per ton of the amount actually paid to the broker, exclusive of the broker's allowance:

Price per ton for grade of wastepaper purchased:	Broker's allowance in percentage
Up to \$20.00.....	4
\$20.01 to \$30.00.....	5
\$30.01 to \$40.00.....	5½
\$40.01 to \$50.00.....	7
\$50.01 to \$60.00.....	8
\$60.01 to \$67.50.....	9

(2) The maximum prices established in § 1347.10, Appendix A, can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, and only if the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of wastepaper purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made by the broker to the consumer.

(iii) The wastepaper sold by the broker to the consumer has been completely prepared for delivery by a person other than the broker.

(iv) The broker guarantees the merchantable quality of the wastepaper.

(v) The broker's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the broker has had no part in the preparation of the wastepaper covered, prior to its delivery to the consumer, and that the charges are not in excess of those established in Price Schedule No. 30.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in Price Schedule No. 30 are strictly complied with.*

[Paragraph (c) added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660]

Issued this 18th day of September 1941.

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 31—ACETIC ACID

As a direct consequence of expanded economic activity induced by the national defense program the demand for acetic acid has risen sharply in the past few months. Acetic acid is essential in the manufacture of a large number of important products such as rayon yarn, film, plastics, transparent wrapping materials, lacquers, varnishes and white lead. The prices of all acetate solvents are based primarily upon the price of acetic acid.

Synthetic production of acetic acid accounts for the bulk of acetic acid consumed by this country. Most of the remainder, commonly referred to as "natural acetic acid", is produced by wood distillation at a cost often in excess of the cost of synthetic production. The tank car price of synthetic glacial acetic acid in the third quarter of 1941 was approximately 20% higher than in the second quarter. A further increase to 6½ cents per pound has recently been announced for the fourth quarter. The tank car price of natural acetic acid in terms of 100% acid content has increased in recent months from 5 cents to 7½ cents per pound and higher. Prices of other grades of acetic acid generally reflect the tank car prices for synthetic glacial and natural acetic acid in terms of 100% acid content and have increased correspondingly.

The Office of Price Administration has conferred with producers of both synthetic acetic acid and natural acetic acid. No justifiable reasons have been advanced for increasing the prices of synthetic acetic acid and natural acetic acid beyond 6¼ cents and 7¼ cents per pound respectively for tank cars. Increases in such prices would, therefore, be inflationary in character. Such inflationary movements in the prices of basic chemicals would tend to weaken the defense effort by causing dislocations, price spiraling and profiteering.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.201 *Maximum prices for acetic acid.* On and after September 29, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, acetic acid in quantities of 3,000 pounds or more, and no person shall buy, offer to buy, or accept delivery

of, acetic acid in quantities of 3,000 pounds or more from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.210.*

* §§ 1335.201 to 1335.210, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.202 *Less than maximum prices.* Lower prices than those set forth in § 1335.210, Appendix A, may be charged, demanded, paid, or offered.*

§ 1335.203 *Evasion.* The price limitations set forth in Price Schedule No. 31 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer, of acetic acid, or in connection with a purchase, sale, delivery, or transfer, of any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of acetic acid, or by unreasonable charges for containers or otherwise.

[§ 1335.203 as amended, January 2, 1942, effective January 2, 1942; 7 F.R. 123]

§ 1335.204 *Records and reports.* Every person making any purchase or sale of acetic acid in quantities of 3,000 pounds or more shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity including the size of the containers, of the acetic acid purchased or sold.

Persons affected by Price Schedule No. 31 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.205 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has made any sale of acetic acid in quantities of 3,000 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration, an affirmation of compliance on Form 131.1 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 31 or with any exception or modification thereof. Copies of Form 131.1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of Price Schedule No. 31, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 31, the Office

* Issued: 6 F.R. 4822. Amended: 6 F.R. 5342, 5535, 6457; 7 F.R. 313.

of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 31, and (c) that the procurement services of the Government are requested to refrain from purchasing acetic acid from those persons who fail to conform to Price Schedule No. 31. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of acetic acid or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.207 *Modification of Price Schedule No. 31.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 31 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.208 *Definitions.* When used in Price Schedule No. 31, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetic acid" means the various grades of acetic acid listed in § 1335.210, Appendix A, hereof.*

(c) "Eastern Territory" means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western Territory" means all other states of the United States.

(d) "Sellers' Shipping Point" means the point of manufacture or other point of distribution maintained by a manufacturer or seller from which actual shipment is made.

[Paragraphs (c) and (d) added by amendment January 2, 1942, effective January 2, 1942; 7 F.R. 123]

§ 1335.209 *Effective date of Price Schedule No. 31.* This Schedule (§§ 1335.201 to 1335.210, inclusive) shall become effective September 29, 1941.*

§ 1335.210 *Appendix A: Maximum prices for acetic acid—(a) Eastern and western territory—(1) Tank cars.* The maximum price of \$6.93 per hundred pounds f. o. b. works, in tank cars is established for glacial acetic acid (99.5% or over) and for weaker acetic acid of commercial grade in terms of 100% acid content in Eastern and Western Territory.

(b) *Eastern territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's shipping point in Eastern Territory:

(1) *Carload lots—(i) Barrels and drums.*

Technical: 1	Per hundred pounds
28 percent	\$3.38
56 percent	5.58
70 percent	6.68
80 percent	7.47
84 percent	7.79
Glacial	9.15

Pure: 1	Per hundred pounds
30 percent	\$4.44
36 percent	4.86
60 percent	7.60
80 percent	9.26
United States Pharmacopoeia	10.95
Chemically pure	14.20

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots—(i) Barrels and drums.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 75 cents per hundred pounds.

(c) *Western territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's warehouse in Western Territory:

(1) *Carload lots—(i) Barrels and drums.*

Technical: 1	Per hundred pounds
56 percent	\$7.29
60 percent	7.69
80 percent	9.20
Glacial	11.05
Pure: 1	
56 percent	8.88
60 percent	9.07
80 percent	11.00
Glacial	16.00

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots—(i) Barrels and drums.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (c) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (c) plus 75 cents per hundred pounds.

(d) *Export sales.* The maximum prices for acetic acid of any origin on export sales to persons in foreign countries other than Canada or Mexico are as follows:

(1) *3,000 pounds or more but less than 5,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus 3 cents per pound.

(2) *5,000 pounds or more but less than 25,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one and one-half cents per pound.

(3) *25,000 pounds or more.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one cent per pound.

(e) *Containers.* For acetic acid sold in containers, a reasonable charge for

¹ Specifically designated percentages include all approximations thereof.

such containers may be added to the maximum prices established by paragraphs (b), (c) and (d).

[§ 1335.210 as amended January 2, 1942, effective January 2, 1942; 7 F.R. 123]

Issued this 24th day of September 1941.¹

LEON HENDERSON,
Administrator.

PART 1347—PAPER AND PAPER PRODUCTS

REVISED PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises, has determined that the establishment of maximum prices for paperboard is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable. The determination of these prices comes after exhaustive investigations and numerous conferences with representatives of all branches of the paperboard trade.

Paperboard, and the boxes and containers manufactured therefrom, have become essential to the prosecution of the defense effort. The Office of Price Administration, through voluntary agreements and the establishment of price schedules for wastepaper and other commodities, has been exerting its efforts to prevent undue price rises in those raw materials which go to make up paperboard. The price rises which are threatening in the paperboard industry are, therefore, unwarranted. Because of the countless uses for paperboard, the effect of an inflationary price would be to create a dangerous price spiral and, therefore, immediate action is necessary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1347.51 *Maximum prices for paperboard.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, in the area east of the Rocky Mountains, no producer, and no agent or representative of a producer, shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard from a producer, or agent or representative of a producer, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as §§ 1347.61 and 1347.62, respectively. The sale of any paperboard shipped from or into the area east of the Rocky Mountains, shall be subject to Price Schedule No. 32.*

[§ 1347.51 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

*§§ 1347.51 to 1347.65, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Ap-

¹ Issued: 6 F.R. 4885. Corrected: 6 F.R. 5181. Amended: 7 F.R. 123.

pendices A and B (§§ 1347.61 and 1347.62) may, however, be charged, demanded, paid, or offered.*

[§ 1347.52 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.53 *Evasion.* The price limitations set forth in Price Schedule No. 32 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of paperboard, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.54 *Records.* Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase or sale of paperboard made during such month and each month thereafter showing the date thereof, the name of the purchaser or of the seller, the prices paid or received, the quantity and grade or grades so purchased or sold.*

[§ 1347.54 as amended December 26, 1941, effective January 1, 1942; 6 F.R. 6799]

§ 1347.55 *Reports.* Every producer of any or all grades of paperboard shall, in addition to keeping records as required above, submit such reports as the Office of Price Administration may from time to time require.*

§ 1347.56 *Affirmation of compliance.* All persons who are required by § 1347.54 to keep records, shall transmit, on or before February 10, 1942, an affirmation of compliance on Form 132:1 containing a sworn statement that during the period January 1 to January 31, inclusive, 1942, all purchases and sales were made at prices in compliance with Price Schedule No. 32 or with any exception or modification thereof, and on or before the tenth day of each month thereafter, a similar affirmation of compliance containing a sworn statement that during the preceding calendar month for which the record is kept all purchases and sales were made at prices in compliance with Price Schedule No. 32 or with any exception or modification thereof. Copies of Form 132:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" by 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

[§ 1347.56 as amended December 26, 1941, effective January 1, 1942; 6 F.R. 6799]

§ 1347.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record or report requirements, or other provisions contained in Price Schedule No. 32, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that

the powers of the government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 32, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 32 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 32. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of paperboard, or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.58 *Modification of Price Schedule No. 32.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 32 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. Such applications must include all relevant facts in detail and must be verified by the individual making the application or by an officer or partner of the business entity making the application: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 32 and other Schedules issued by the Office of Price Administration.*

[§ 1347.58 as amended December 26, 1941, effective January 1, 1942; 6 F.R. 6799.]

§ 1347.59 *Definitions.* When used in Price Schedule No. 32, or any modifications or exceptions thereto, the term:

(a) "Base price" means the going market price quoted for any grade and type of paperboard specifically listed in Appendices A and B (§§ 1347.61 and 1347.62) of Price Schedule No. 32;

(b) "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Colorado, Wyoming, and Montana;

(c) [Paragraph (c) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(d) "Gage list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R44-36 entitled "Box Board Thicknesses";

(e) "Item" means paperboard of one size, of the same grade, color, type, weight, caliper, and finish which the purchaser is willing to have delivered at one time;

(f) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard;

(g) "Person" means an individual, partnership, association, corporation, or other business entity;

(h) "Producer" means any person who manufactures from any raw material, paperboard for any use whatever;

(i) "Total transportation cost involved" includes all actual costs involved in transporting and delivering paperboard to the purchaser's plant actually using the paperboard, whether paid by purchaser, by seller, or prorated between purchaser and seller;

(j) [Paragraph (j) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(k) "Ton" means a net ton of 2,000 pounds.*

[§ 1347.59 as amended December 26, 1941, effective January 1, 1942 (6 F.R. 6799), with the exception of paragraphs (c) and (j) which were revoked by amendment February 2, 1942]

§ 1347.60 *Effective date of Price Schedule No. 32.* This Price Schedule (§§ 1347.51 to 1347.62, inclusive) shall become effective on October 1, 1941.*

§ 1347.61 *Appendix A: Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.*

(a) *Non-bending boards, mounting-boards, and chip tube & can stock.* (No. 1 Gage List—Regs. 50's to 90's incl. See paragraph (d) for other thicknesses*):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price *		
		Up to and including 3 tons †	Over 3, less 10 tons ‡	10 tons or over §
Plain chip.....	\$45.00	+\$5.00	+\$2.50	Base
News vat lined chip.....	45.00	+5.00	+4.00	+\$1.50
Filled news.....	45.00	+5.00	+5.50	+3.00
Solid news.....	45.00	+10.00	+7.50	+5.00
White vat lined chip.....	45.00	+20.00	+17.50	+15.00
Mounting board.....	45.00	+8.00	+5.50	+3.00
Chip tube & can stock.....	45.00	+7.50	+5.00	+2.50

(b) *Folding boards.* (No. 2 Gage List—Reg. 50's to 90's, Incl. See paragraph (d) for other thicknesses*):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price *		
		Up to and including 3 tons †	Over 3, less 10 tons ‡	10 tons or over §
Single manila lined chip.....	\$60.00	+\$5.00	+\$2.50	Base
Single jute lined chip.....	60.00	+5.00	+2.50	Base
Mist gray lined chip.....	60.00	+5.00	+2.50	Base
Bleached manila lined chip.....	60.00	+7.50	+5.00	+2.50
Semibending and creasing chip.....	60.00	-7.50	-10.00	-12.50
Full bending chip.....	60.00	-5.00	-7.50	-10.00

See p. 1266 for footnotes.

(c) *White patent coated news.* (No. 6 and No. 7 Gage Lists):

GAGE LIST NO. 6	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price ¹		
		Up to and including 3 tons ²	Over 3, less 10 tons ²	10 tons or over ²
#1 Single White 0.020 and heavier.....	\$75.00	+\$5.00	+\$2.50	Base
#1 Single White 0.018.....	75.00	+7.50	+5.00	+\$2.50
#1 Single White 0.016.....	75.00	+10.00	+7.50	+5.00
#1 Single White 0.015.....	75.00	+12.50	+10.00	+7.50
#1 Single White 0.014.....	75.00	+15.00	+12.50	+10.00
GAGE LIST NO. 7				
#1 Double White 0.020 and heavier.....	75.00	+27.50	+25.00	+22.50
#1 Double White 0.018.....	75.00	+32.50	+30.00	+27.50
#1 Double White 0.016.....	75.00	+37.50	+35.00	+32.50
#1 Double White 0.015.....	75.00	+40.00	+37.50	+35.00
#1 Double White 0.014.....	75.00	+42.50	+40.00	+37.50

(d) *Additional differentials.* (1) Applying to paragraphs (a) or (b) only:

	Per ton ²
Regular 35's to 39's.....	+\$5.00
Regular 40's to 49's.....	+2.50
Regular 91's to 100's.....	+2.50
Regular 101's to 120's.....	+5.00
Skim news back.....	+1.50

(2) Applying to White Patent Coated News, Single Manila Lined Chip, or Bleached Manila Lined Chip only:

	Per ton ²
Manila back non-bender.....	+\$10.00
Manila back bender.....	+15.00

(3) Applying to paragraphs (a), (b), or (c):

	Per ton ²
Silicating (per side).....	+\$2.50
Pasting 15's and lighter.....	+7.50
Pasting 14's to 1/2" thick.....	+12.50
Gloss ink.....	+2.50

(e) *Exception to quantity differentials.* Where a single purchaser places an order for paperboard of a single grade, thickness, type, and color, and where the sizes ordered and quantities demanded are such as to fill the trim of the seller's papermaking machine and where the only cutting involved can be done by the splitter and chopper knives as the paperboard leaves the machine, the combined weight of such orders made simultaneously shall be used as the basis for the application of the quantity differential set forth herein.

¹ Except No. 3 Gage List.

² See Paragraph (e) for exception to quantity differentials.

³ A plus sign before a figure establishes it as the maximum amount that may be added to the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Smaller amounts may be added. A minus sign before a figure establishes it as the minimum amount that must be subtracted from the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Larger amounts may be subtracted.

(f) *Trimming.* For trimming sheets add \$1.00 per side per ton.

[Paragraph (f) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(g) [Paragraph (g) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved, except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* If, in the shipment of any paperboard, the total transportation cost involved exceeds \$6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between \$6.00 and the total transportation cost involved per ton.*

[§ 1347.61 as amended December 26, 1941, effective January 1, 1942 (6 F.R. 6799) with the exception of paragraph (f) which was amended and paragraph (g) which was revoked by amendment February 2, 1942]

§ 1347.62 *Appendix B: Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains.¹*

(a) *Liners—0.016:*

	Price per M square feet
0.016—42 lb. Fourdrinier Kraft.....	\$1.28
0.016—47 lb. Fourdrinier Kraft.....	1.41
0.016—50 lb. Fourdrinier Kraft.....	1.50
0.016—52 lb. Fourdrinier Kraft.....	1.56
0.016—52-58 lb. Cylinder Kraft—100 lb. test.....	1.82
0.016—56 lb. Fourdrinier Kraft.....	1.82
0.016—56-68 lb. Jute—100 lb. test.....	1.92

(b) *Liners heavier than 0.016:*

0.023—Jute—See paragraph (g).	
0.023—72 lb. Fourdrinier Kraft.....	2.16
0.030—96-110 lb. Jute—135 lb. test.....	3.30
0.030—90 lb. Fourdrinier Kraft.....	2.70
0.030—90-104 lb. Cylinder Kraft—135 lb. test.....	2.88
0.030—90-106 lb. Cylinder Kraft—150 lb. test.....	3.00
0.030—90-106 lb. Cylinder Kraft—170 lb. test.....	3.12

(c) *Liners lighter than 0.016:*

0.009—32 lb. Fourdrinier Kraft.....	1.04
0.012—33 lb. Fourdrinier Kraft.....	.89
0.012—48-52 lb. Jute.....	1.63
0.014—38 lb. Fourdrinier Kraft.....	1.14
0.014—43 lb. Fourdrinier Kraft.....	1.29

(d) *Corrugating grades:*

0.009—30-34 lb. Strawboard.....	.96
0.009—26 lb. Fourdrinier Kraft.....	.78
0.009—28 lb. Chestnut.....	.78
0.009—25-30 lb. "Bogus" Corrugating Material.....	.90
0.009—26 lb. Canadian Sulphite and Ground Wood ¹.....	.78

(e) *Chip for use in inner packing, single face rolls, or containers:*

	Price per ton
0.007—21 lb. up to 0.016.....	\$47.50
0.017 and heavier.....	45.00

(f) *Natural colors.* All Kraft, Jute, and Chip prices are based on standard grades in their respective natural colors.

(g) [Paragraph (g) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* (1) If the total transportation cost involved for the type of transportation used in the shipment of Fourdrinier Kraft liners, Cylinder Kraft liners, and Kraft corrugating material, provided such liner or corrugating material is made in the United States from at least 70% virgin Kraft coniferous wood pulp, exceeds \$10.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between \$10.00 and the total transportation cost involved per ton.

(2) If the total transportation cost involved for the type of transportation used in the shipment of corrugating material or liners listed in this Appendix imported from Canada exceeds \$12.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between \$12.00 and the total transportation cost involved per ton.

(3) If the total transportation cost involved for the type of transportation used in the shipment of all other types of paperboard listed in this Appendix, except those provided for in sub-paragraphs (1) and (2) hereof, exceeds \$6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference.

¹ Where paperboard of any type covered by this Appendix is imported from a foreign country by a purchaser, and duty must be paid on such import, such purchaser may pay this duty although this payment results in a total cost to such purchaser for paperboard which exceeds the maximum prices established in this Appendix. The total amount paid by the purchaser for such imported paperboard shall in no event exceed the prices established in this Appendix plus the actual amount of the import duty paid, and such import duty must be shown as a separate item in the records required to be kept in accordance with § 1347.54 hereof.

between \$6.00 and the total transportation cost involved per ton.

[§ 1347.62 as amended December 26, 1941, effective January 1, 1942, 6 F.R. 6799, with the exception of paragraph (g) which was revoked by amendment February 2, 1942]

[§§ 1347.63, 1347.64, and 1347.65, added by amendment of December 26, 1941, effective January 1, 1942, were revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

Issued this 30th day of September 1941.¹

LEON HENDERSON,
Administrator.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 33—CARDED COTTON YARNS

From August 1940 to May 1941 the prices of cotton yarns and cotton textiles were marked by an inflationary rise. To check this advance, the Office of Price Administration issued a schedule of maximum prices for combed yarns in May 1941, and a schedule for six leading types of cotton grey goods in June 1941. It was the aim of the Office of Price Administration in taking these measures to bring about an appropriate adjustment of prices for related products in the cotton textile field to those set forth in the schedules for combed yarn and cotton grey goods. Carded yarns, however, which normally sell for several cents less per pound than combed yarns are now commanding prices as high, and in some instances higher, than the ceiling prices established for combed yarns. This dislocation in the price structure of the textile industry is injurious to national defense and to the civilian economy.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1307.51. *Maximum prices for carded cotton yarn.* (a) On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1307.60), except as provided in § 1307.51 (b) hereof, no person shall sell, offer to sell, deliver, or transfer carded cotton yarn for commercial use, and no person shall buy, offer to buy, or accept delivery of carded cotton yarn for commercial use, at prices higher than the maximum prices set forth in § 1307.60, Appendix A.

(b) The provisions of Price Schedule No. 33 are not applicable to carded cotton yarn when sold, by persons other than the producer thereof, for use as wrapping twine or for resale for ultimate use as wrapping twine.*

[Paragraph (b), formerly paragraph (c), added by amendment January 21, 1942, effective October 6, 1941 (7 F.R. 475). Redesignated as paragraph (b) by amendment of February 2, 1942, which revoked former paragraph (b)]

* §§ 1307.51 to 1307.62 issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

¹ Issued: 6 F.R. 5012. Amended: 6 F.R. 5073, 5699, 6087. Renumbered and amended: 6 F.R. 6799. Amended: 7 F.R. 603, 661.

§ 1307.52. *Less than maximum prices.* Lower prices than those set forth in § 1307.60, Appendix A, may be charged, demanded, paid, or offered.*

§ 1307.53. *Evasion.* (a) The price limitations set forth in Price Schedule No. 33 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of carded cotton yarn, alone, or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1607.60 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

[Paragraph (b) added by amendment November 26, 1941, effective November 27, 1941; 6 F.R. 6047]

§ 1307.54. *Records and reports.* Every person making purchases or sales of carded cotton yarn for commercial use after October 5, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity in pounds, and the specifications of the carded cotton yarn sold or purchased, and (b) the quantity of carded cotton yarn (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 33 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1307.55. *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person who during the preceding calendar month has purchased or sold, whether for immediate or future delivery, or delivered or accepted delivery of carded cotton yarn for commercial use, shall submit to the Office of Price Administration an affirmation of compliance on Form 133:1, containing a sworn statement that during such month all such purchases, sales, or deliveries were made at prices in compliance with Price Schedule No. 33 or with any exception thereto or modification thereof. Copies of Form 133:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1307.56. *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 33, or in

the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 33, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 33. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of carded cotton yarn, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1307.57. *Modification of Price Schedule No. 33.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 33 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1307.58. *Definitions.* When used in Price Schedule No. 33, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Carded cotton yarn" means carded cotton yarn of all qualities of the specifications for which maximum prices are established in § 1307.60, Appendix A;

[Paragraph (b) as amended, February 2, 1942, effective February 2, 1942; 7 F.R. 712]

(c) "For commercial use" means for any use or purpose except use by an individual buyer at retail for home or private consumption;

(d) "Ceiling date" means the date, as specified in § 1307.60, Appendix A, on which Price Schedule No. 33 becomes effective with respect to any given yarn.

(e) "For export" means to a person outside the United States, its territories and possessions.*

[Paragraph (e) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 712]

§ 1307.59. *Effective date of Price Schedule No. 33.* This Schedule (§§ 1307.51 to 1307.60, inclusive) shall become effective October 6, 1941.

§ 1307.60. *Appendix A: Maximum prices for carded cotton yarn—(a) Terms of sale—(1) Freight—(i) Sales and deliveries by producers.* As applied to sales and deliveries by the producer, the maximum prices established herein include freight up to one cent per pound to the purchaser's place of business. The producer may require the purchaser to pay any freight in excess of one cent per pound. If the producer does not pay the freight, the maximum price shall be that shown herein less freight (up to one cent per pound) at the lowest published rate. In the case of sales or deliveries for export, if export is by sea, the seaport from which the yarn is shipped, or, if export is overland, the point at which the yarn leaves the United States, shall be regarded as the purchaser's place of business.

(1) *Sales and deliveries of stock yarn.*¹ As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

(2) *Discounts and commissions.* The maximum prices established by Price Schedule No. 33 are gross prices before any discounts are deducted and they include commissions and all other charges.

The maximum prices for carded yarns established in paragraph (b) below shall be discounted by two per cent when payment is made within thirty days of delivery.

(b) *Maximum prices—(1) Determination of maximum price.* The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of carded cotton yarn shall be determined from (2) below, as qualified by (3) below, in the following manner.

(i) *Offer to buy or sell.* By the cotton spot price² of the business day immediately preceding that on which the offer was made except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 33.

(ii) *Sale or contract of sale.* By the cotton spot price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made.

(iii) *Delivery or transfer.*³ By the cotton spot price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the cotton spot price subsequent thereto, except that, when the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a cotton spot price of 15.99 cents per pound.

(2) *Table of base maximum prices.* The following are base maximum prices for all carded yarns. They are subject to the premiums and discounts set forth in (3) below. For a yarn intermediate between any two appearing in this table, the maximum price shall be that price obtained from this table by interpolation in accordance with the respective yarn numbers.

¹ As used in Price Schedule, No. 33, the term "stock yarn" means carded yarn owned by a person independent of the producer thereof and stored in space (1) belonging to or leased by such person and (2) located within twenty-five miles of his principal place of business; the term "independent" means not controlling, controlled by, or under common control with.

² The term "cotton spot price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling $1\frac{1}{8}$ -inch cotton on ten designated spot markets.

³ This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

Yarn No	Cotton spot prices (cents per pound)													
	14.21 to 14.65	14.66 to 15.09	15.10 to 15.64	15.55 to 15.98	15.99 to 16.43	16.44 to 16.87	16.88 to 17.32	17.33 to 17.76	17.77 to 18.21	18.22 to 18.65	18.66 to 19.10	19.11 to 19.54	19.55 to 19.99	
	Cents per pound													
Single:														
8s and under	33	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	
10s	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	
12s	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	
14s	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	
16s	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	
18s	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	
20s	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	
24s	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	
26s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	
30s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	
36s	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	
38s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	
40s	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51	
50s	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59	
Plied:														
8s and under	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	
10s	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	
12s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	
14s	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	
16s	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	
18s	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	
20s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	
24s	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	
26s	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	
30s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	
36s	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	
38s	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	
40s	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56	
50s	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64	

(3) *Premiums and discounts.* Where applicable, the premiums set forth below may be charged in addition to the base maximum prices set forth in (2) above.

No premiums other than those permitted herein may be charged for any carded yarn.

(i) *Export packaging.* For yarns in waterproof packaging to be exported by sea, a premium of one cent per pound may be charged.

(ii) *Export sales.* A premium of five per cent may be charged by the producer for carded yarns sold for export.

Persons other than the producer, and independent⁴ of him, may charge for yarns sold for export a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.

(iii) *Jobbers.* A jobber⁵ who is independent⁶ of the purchaser may:

(a) Sell broken case lots of carded yarn in quantities of 1,500 pounds or less per calendar month to a given customer at a premium of ten per cent, and in quantities in excess thereof (but not exceeding 15,000 pounds in any calendar month to all his customers) at a premium of five per cent;

(b) Sell carded yarn in lots of 1 to 3 unbroken cases at a premium of five per cent: *Provided*, That he may not avail himself of this premium in connection with sales in any calendar month

⁴ See § 1307.58 for definition of "for export".

⁵ See footnote 1 above, for definition of independent.

⁶ As used herein, "jobber" means a person at least seventy-five per cent of whose sales of carded yarn during the calendar month preceding any given transaction consisted of stock yarn sales. See footnote 1, above, for definition of "stock yarn".

⁷ See footnote 1, above.

in excess of (1) 3,000 pounds to the same customer or (2) 20,000 pounds to all his customers.

(iv) *Special yarns.* A premium equal to the normal trade differential may be charged in addition to the base maximum prices set forth in (2) above for

(a) carded yarns of twist lower than knitting or higher than warp twist;

(b) carded yarns put up otherwise than on regular-sized cones or tubes or in skeins;

(c) carded yarns made to tensile specifications which cannot be met with American cotton of the applicable staple length set forth below;⁸

(d) carded yarns which, because of special inspection, have regularly sold at a premium; and

(e) yarns with special constructions.

(v) *Tinged and part-waste yarn.* The maximum price for any tinged or part-waste carded yarn shall be the base maximum price set forth in (2) above, less the normal trade differential.

(c) *Ceiling date.* The maximum prices established herein became effective on February 3, 1942, which shall constitute the ceiling date for all carded yarns.*

[§ 1307.60 as amended, February 2, 1942, effective February 2, 1942; 7 F.R. 712.]

Yarn numbers:	Staple
Up to 24s, inclusive	1 $\frac{1}{8}$
25s to 30s, inclusive	1 $\frac{3}{8}$
31s to 44s, inclusive	1 $\frac{1}{2}$
45s to 55s, inclusive	1 $\frac{3}{4}$
56s to 70s, inclusive	1 $\frac{7}{8}$
71s to 80s, inclusive	1 $\frac{7}{8}$
81s to 90s, inclusive	1 $\frac{7}{8}$
91s to 100s, inclusive	1 $\frac{7}{8}$
Over 100s	1 $\frac{7}{8}$

As used herein, the term "American cotton" means all kinds of cotton grown in the United States except Sea Island, SXP, and Pima.

§ 1307.61 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to Price Schedule No. 33:

(a) such amendment shall not be deemed to affect the provisions of Price Schedule No. 33 as they stood prior to such amendment:

(b) it shall be permissible for any person to make or accept delivery of carded yarns at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price was subject to and in conformity with Price Schedule No. 33 when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of Price Schedule No. 33 as in effect when the contract was made.*

[§ 1307.61 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 712]

§ 1307.62 *Effective dates of amendments.* (a) § 1307.53, as amended, became effective November 27, 1941.

(b) § 1307.60 (b) (3), as amended, became effective October 6, 1941.

(c) § 1307.51 as amended, became effective October 6, 1941.

(d) §§ 1307.58 and 1307.60 as amended, and §§ 1307.61 and 1307.62 became effective February 2, 1942.*

[§ 1307.62 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 712]

* Issued this 3d day of October, 1941.¹

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 34—WOOD ALCOHOL

Methyl alcohol is an essential chemical which is used as an antifreeze and in the manufacture of formaldehyde, denatured alcohol, paints, varnishes, enamels, and many other products. Most methyl alcohol is produced synthetically. The remainder, herein referred to as "wood alcohol," is produced by the distillation of wood.

As a result of conditions engendered by the national defense program, the demand for methyl alcohol has increased sharply, causing a shortage of supply. A steep rise in the prices of the various grades of wood alcohol has occurred. The price of the denaturing grade, representing approximately one-half of the wood alcohol production, increased from 45 cents per gallon for tank-car quantities in the second quarter of 1941 to 60 cents per gallon in the third quarter. Substantial transactions have taken place at even higher prices. Such a price movement threatens to create an unsound market in wood alcohol and also to dislocate the market for synthetic methyl alcohol. Producers of the latter product have refrained from increasing its price. The largest producer, in fact, has announced a price reduction in re-

cent weeks. It is therefore unnecessary at this time to establish maximum prices for synthetic methyl alcohol.

After investigation and conferences with representatives of the methyl alcohol industry, the Office of Price Administration has found that, under existing conditions, there is no justifiable reason for prices of wood alcohol in excess of 60 cents per gallon for tank-car quantities. Further increases in price would, therefore, be inflationary.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1335.251 *Maximum prices for wood alcohol.* On and after October 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer wood alcohol in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept delivery of wood alcohol in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.259.*

* §§ 1335.251 to 1335.259, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.252 *Less than maximum prices.* Lower prices than those set forth in § 1335.259, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.253 *Evasion.* The price limitations set forth in Price Schedule No. 34 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of wood alcohol, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of wood alcohol, or otherwise.*

§ 1335.254 *Records and reports.* Every person making purchases or sales of wood alcohol in containers of 50 gallons or more after October 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the wood alcohol purchased or sold.

Persons affected by Price Schedule No. 34 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.255 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold wood alcohol in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 134:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 34

or with any exception or modification thereof. Copies of Form 134:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on an 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of Price Schedule No. 34, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 34, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interests and the interests of those persons who comply with Price Schedule No. 34, and (c) that the procurement services of the Government are requested to refrain from purchasing wood alcohol from those persons who fail to comply with Price Schedule No. 34. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wood alcohol, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.257 *Modification of Price Schedule No. 34.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 34 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.258 *Definitions.* When used in Price Schedule No. 34, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Wood alcohol" means the various grades of methyl alcohol of wood origin listed in § 1335.259, Appendix A, hereof.*

§ 1335.259 *Appendix A: Maximum prices for wood alcohol.* The following maximum prices are established for wood alcohol:

(a) *Tank cars—(1) East of the Mississippi River.*

	Cents per gallon, delivered
Denaturing grade.....	60
Pure methyl alcohol.....	60
95% methyl alcohol ¹	60
97% methyl alcohol ¹	60

¹ Specifically designated percentages include all approximations thereof.

(2) *West of the Mississippi River.* Maximum prices for tank car quantities in territory west of the Mississippi River are determined by adding 3 cents per gallon to the maximum prices established above for tank cars in territory east of the Mississippi River.

(b) *Drums and other containers; car-load quantities.* Maximum prices for

¹ Issued: 6 F.R. 5091. Amended: 6 F.R. 6047; 7 F.R. 475, 712.

drums and other containers, in carload quantities, in territory east or west of the Mississippi River, are determined by adding 6 cents per gallon to the maximum prices established for tank cars in the respective territory by paragraph (a) of this Appendix.

(c) *Drums and other containers; less than carload quantities.* Maximum prices for drums and other containers, in less than carload quantities, in territory east or west of the Mississippi River, are determined by adding 16 cents per gallon to the maximum price established for tank cars in the respective territory by paragraph (a) of this Appendix.

Issued this 3d day of October 1941.¹

LEON HENDERSON,
Administrator.

PART 1316—COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

In June 1941, the Office of Price Administration, as a first step toward stabilizing prices for the major types of cotton textiles, issued Price Schedule No. 11, establishing maximum prices for six leading kinds of cotton grey goods. In August that Schedule was supplemented by maximum prices for other classes of grey goods. Now maximum prices are extended to further important types of grey goods, and to the principal types of cotton colored-yarn goods. For convenience, the carded-yarn fabrics already under maximum prices have been withdrawn from Price Schedule No. 11 and are included, along with numerous other textiles made of carded yarn, in Price Schedule No. 35; grey goods made of combed yarns will continue to be covered by Price Schedule No. 11.

§ 1316.51 *Maximum prices for cotton goods.* On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1316.61), regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer cotton goods, and no person shall buy, offer to buy, or accept delivery of cotton goods, at prices higher than the maximum prices set forth in § 1316.61, Appendix A, except that:

(a) The maximum prices established herein are not applicable to sales or deliveries of cotton goods to any person or persons outside the United States, its territories and possessions;

(b) Except as may be expressly provided elsewhere herein, the provisions of Price Schedule No. 35 are not applicable to sales or deliveries of cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided*, That sales and deliveries of cotton goods (1) to a converter or finisher, or (2) by the manufacturer thereof or by any agent of such manufacturer shall not be made at prices higher than the established maximum prices.*

[Paragraph (b) as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]
* § 1316.51 to § 1316.62, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.52 *Less than maximum prices.* Lower prices than those set forth in § 1316.61, Appendix A may be charged, demanded, paid or offered.*

§ 1316.53 *Evasion.* (a) The price limitations set forth in Price Schedule No. 35 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution thereof of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.61 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

[Paragraph (b) added by amendment November 26, 1941, effective November 27, 1941; 6 F.R. 6047]

§ 1316.54 *Records and reports.* Every person making purchases or sales of cotton goods after October 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards of each construction purchased or sold; (b) the quantity in yards of cotton goods (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or pounds of each construction of cotton goods manufactured during each calendar month.

Persons affected by Price Schedule No. 35 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.55 *Details required in contract of sale and invoice.* (a) Every seller of cotton goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of each construction of cotton goods sold, including (i) the width; (ii) in the case of grey goods, the cloth count; (iii) the number of yards per pound; (iv) where necessary to determine the applicable maximum price, the yarn numbers used in the warp and filling, or the average yarn numbers, as the case may be; and (v) where, in conformity with Price Schedule No. 35, a premium is charged or deduction made, the feature of the goods or of their manufacture for which such

premium is allowed or deduction required; and (3) the discount, if any, allowed for prompt payment.*

[§ 1316.55 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 714]

§ 1316.56 [Revoked]

§ 1316.56 [Revoked by amendment February 9, 1942, effective February 10, 1942; 7 F.R. 931]

§ 1316.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 35, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 35, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 35, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 35. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of cotton goods or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1316.58 *Modification of Price Schedule No. 35.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 35 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1316.59 *Definitions.* When used in Price Schedule No. 35, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Cotton goods" means cotton grey goods and cotton colored-yarn goods of the types and specifications for which maximum prices are established in § 1316.61, Appendix A;

(c) "Ceiling date" means the date, as specified in § 1316.61, Appendix A, on which Price Schedule No. 35 becomes effective with respect to any given fabric.*

§ 1316.60 *Effective date of Price Schedule No. 35.* This Schedule §§ 1316.51 to 1316.61, inclusive) shall become effective October 21, 1941.*

§ 1316.61 *Appendix A: Maximum prices for cotton goods.* Paragraph (a) contains, in summary form, the maximum prices, as established prior to October 21, 1941, and certain premiums allowable for the types of cotton goods theretofore subject to Price Schedule No. 11, but on and after that date subject to Price Schedule No. 35. The maximum prices set forth in paragraph (a) are applicable to such types of goods only when they are delivered pursuant to a sale or contract of sale entered into

¹ 6 F.R. 5093.

prior to the above-mentioned date; otherwise such goods are subject to the prices appearing in paragraph (b).

Paragraph (b) contains maximum prices for all cotton goods subject to Price Schedule No. 35. As qualified by paragraph (c), these maximum prices are applicable to all transactions except those subject to paragraph (a).

Paragraph (c) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraphs (a) and (b), premiums may be paid for (1) cotton goods made to special physical requirements established by the buyer, (2) cotton goods of demonstrably superior quality, and (3) window-shade cloth.

[Above unnumbered paragraphs as amended November 26, 1941, effective October 21, 1941; 6 F.R. 6047]

(a) Cotton goods of the following specifications which, prior to October 21, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below. The maximum prices appearing herein are prices f. o. b. the seller's point of shipment; they are gross prices before discounts of any nature are deducted and include all commissions.

The maximum prices set forth herein become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics subject thereto.

In addition to the maximum prices set forth in the table immediately below, the following premiums may be charged:

(1) The premiums allowable under, § 1316.61 (c) below.

(2) For narrow print cloths:

Of widths:	Cents per lb.
32 $\frac{1}{4}$ " to 28 $\frac{1}{2}$ ", inclusive.....	2
28 $\frac{1}{4}$ " to 26", inclusive.....	3
25 $\frac{1}{4}$ " to 24", inclusive.....	4
23 $\frac{1}{4}$ " to 21", inclusive.....	5

(3) For print cloths with total thread count per square inch of 72 to 99, both inclusive..... 1 $\frac{1}{2}$

(4) For high-count Class C sheetings:
130 to 139, inclusive, total threads per square inch..... 1^{*}
140 to 159, inclusive, total threads per square inch..... 2 $\frac{1}{2}$
160 and more total threads per square inch..... 4

Nothing herein contained shall authorize any of the above premiums to be charged in connection with any deliveries made before October 21, 1941.

[Paragraph immediately above added by amendment November 26, 1941, effective October 21, 1941; 6 F.R. 6047]

Type and construction of cloth	Maximum prices for deliveries pursuant to contracts entered into prior to August 23, 1941	Maximum prices for deliveries pursuant to contracts entered into between August 23, 1941 and October 20, 1941, inclusive.
Standard print cloth, 40" and narrower.....	\$0.43 per lb. ^{1,2}	\$0.43 per lb. ^{1,2,3}
Carded broadcloth, 40" and narrower, 100 sley and below.....	\$0.43 per lb. ¹	\$0.43 per lb. ^{1,2}
Sheetings, 40" and narrower:		
A. Yarn numbers up to 15s, inclusive.....	\$0.355 per lb. ¹	\$0.355 per lb. ^{1,2}
B. Yarn numbers 16s to 21s, inclusive.....	\$0.365 per lb. ¹	\$0.365 per lb. ^{1,2}
C. Yarn numbers above 21s.....	\$0.38 per lb. ¹	\$0.38 per lb. ^{1,2}
Part waste osnaburgs, 40" and narrower:		
Yarn numbers up to 9s, inclusive.....	\$0.29 per lb. ¹	\$0.29 per lb. ^{1,2}
Yarn numbers above 9s.....	\$0.32 per lb. ¹	\$0.32 per lb. ^{1,2}
Tobacco cloth, 40" and narrower.....	\$0.46 per lb.	\$0.46 per lb. ³

¹ Subject to premium of one cent per pound for feeler motion.

² Subject to premium of one cent per pound for fabrics of shade cloth quality.

³ For seconds and shorts, five percent less than the above figures constitutes the maximum price.

(b) (1) *Determination of maximum price.* Except as provided in paragraph (a) above, and subject to the qualifications contained in paragraph (c), below, the maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of cotton goods shall be determined in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price¹ of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 35;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which

the sale or contract of sale is made,² regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*^{2,3} By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto, except that,

¹ Except as provided in Paragraph (a), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

² Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (b), as the day on which the sale or contract of sale is made.

where the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound.

[Subdivision (iii) as amended November 26, 1941, effective October 21, 1941; 6 F.R. 6047]

(2) *Terms of sale.* The maximum prices set forth in paragraph (b) are prices f. o. b. the seller's point of shipment. The prices are gross prices before discounts of any nature are deducted and include all commissions; for certain types of goods, however, mandatory discounts are specified below.

(3) *Ceiling date.* The maximum prices set forth below in Tables I to V, inclusive, and the qualifications thereto of Paragraph (c), become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto.

(4) *Maximum price tables.* In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs delivered against contracts entered into prior to January 23, 1942, or to print cloths of Class B or C; to any fabric excepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

TABLE I

Name of manufacturing process	Premium (cents per yard)
Feeler motion.....	1 $\frac{1}{2}$
Weaves requiring five or more cams:	
Weaves, other than plain, which (exclusive of selvage) require five cams.....	1 $\frac{1}{4}$
Weaves, other than plain, which (exclusive of selvage) require six or more cams.....	1 $\frac{1}{2}$
Weaves requiring dobby looms:	
Weaves requiring 16 harnesses or less.....	1 $\frac{1}{4}$
Weaves requiring more than 16 harnesses.....	1 $\frac{1}{2}$
Fancy draw;	
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above.....	1 $\frac{1}{2}$
Each extra beam.....	1 $\frac{1}{2}$
Hard twist:	
Warp yarn: where turns per inch equal 5 $\frac{1}{4}$ or more times the square root of yarn size.....	1 $\frac{1}{2}$
Filling yarn: where turns per inch equal 4 $\frac{1}{4}$ or more times the square root of yarn size.....	1 $\frac{1}{2}$
Clipping.....	1
(Cents per lb.)	
Slubs.....	2

¹ This premium, which is not applicable to cloths other than sheetings, osnaburgs, carded broadcloth, and Class A print cloths, is effective January 23, 1942. In connection with deliveries against contracts entered into between October 21, 1941, and January 23, 1942, inclusive, a premium of one cent per pound is allowable for feeler motion when

¹ The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

TABLE II-A—KEY TO TYPES AND CLASSES OF CLOTH IN TABLE II

[All numbers inclusive]

Type and class of cloth (including all widths under 42")	Yarn numbers			Thread count per inch			Yards per pound (Poplins based on square yard; Piques and Three-leaf Twills based on actual width)
	Warp	Filling	Average	Total	Warp	Filling	
PRINT CLOTH							
Class A.....	28s-32s.....	30s-45s.....	33s or over.....	160-100.....			3.50 or over.
Class B.....	28s-32s.....	30s-45s.....	33s or over.....	99-72.....			3.40-3.01.
Class C.....	28s-32s.....	30s-45s.....	33s or over.....	71 or less.....			3.00 or less.
CARDED BROADCLOTH							
Class A.....	28s or over.....			160 or less.....			3.50 or over.
Class B.....	28s or over.....			167-174.....			3.40-3.01.
Class C.....	34s or over.....			175-189.....			3.00 or less.
Class D.....	30s or over.....			100-200.....			3.50 or over.
PATAMA CHECKS							
Class A.....				100 or more.....			3.40-3.01.
Class B.....				150 or less.....			3.00 or less.
CARDED POPLIN							
Class A.....	25s-33 $\frac{1}{2}$ s.....				70-108.....	34-52.....	3.50 or over.
Class B.....	25s-33 $\frac{1}{2}$ s.....						3.40-3.01.
Class C.....	25s-33 $\frac{1}{2}$ s.....				100 or over.....	34-52.....	3.00 or less.
Class D.....	34s or over.....				70-108.....	34-52.....	3.50 or over.
Class E.....	34s or over.....				100 or over.....	34-52.....	3.40-3.01.
Class F.....	34s or over.....				100 or over.....	34-52.....	3.00 or less.
CARDED PIQUES							
Class A.....	28s-31 $\frac{1}{2}$ s.....			152-170.....			3.70 or over.
Class B.....	28s-31 $\frac{1}{2}$ s.....			177-199.....			3.40-3.01.
Class C.....	28s-31 $\frac{1}{2}$ s.....			200-210.....			3.00-3.30.
THREE-LEAF TWILLS							
Class A.....				140-151.....			2.45-2.80.
Class B.....				132-152.....			2.90-3.80.
Class C.....				140-148.....			3.90-4.10.
Class D.....				140-148.....			4.11-4.39.
Class E.....				121-147.....			4.40-5.20.

[Table II-A as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

TABLE II—Print Cloth Yarn Group

Specifications for the types and classes of cloth listed herein are set forth in Table II-A.

A fabric falling within the specifications (as set forth in Table II-A) for any type of cloth listed herein shall be subject to the maximum price established herein even if made in a weave requiring 3 or 4 cams.

[Above paragraphs as amended February 2, 1942, effective February 2, 1942; 7 F.R. 714.]

TABLE II—PRINT CLOTH YARN GROUP

(Specifications for the types and classes of cloth listed herein are set forth in Table II-A)

Type and class of cloth	Spot cotton price—Cents per pound									
	15.00 to 16.42 Incl.	16.43 to 17.29 Incl.	17.30 to 17.74 Incl.	17.75 to 18.18 Incl.	18.19 to 19.04 Incl.	19.05 to 20.35 Incl.	20.36 to 21.74 Incl.	21.75 to 23.12 Incl.	23.13 to 24.50 Incl.	24.51 to 25.88 Incl.
Print Cloth:										
Class A.....	43.00	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00
Class B.....	44.00	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Class C.....	45.00	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00
Carded Broadcloth:										
Class A.....	43.00	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00
Class B.....	44.00	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Class C.....	45.00	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00
Class D.....	46.00	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50	51.00
Class E.....	47.00	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00
Class F.....	48.00	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00
Patama Checks:										
Class A.....	43.00	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00
Class B.....	44.00	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Class C.....	45.00	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00
Class D.....	46.00	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50	51.00
Class E.....	47.00	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00
Class F.....	48.00	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00
Carded Piques:										
Class A.....	43.00	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00
Class B.....	44.00	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Class C.....	45.00	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00
Class D.....	46.00	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50	51.00
Class E.....	47.00	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00
Class F.....	48.00	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00
Three-Leaf Twills:										
Class A.....	40.00	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00
Class B.....	41.00	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00
Class C.....	42.00	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00
Class D.....	43.00	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00
Class E.....	44.00	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Class F.....	45.00	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00

¹ In addition to the above maximum prices for print cloth, the following premiums may be charged for narrow widths: 3 $\frac{1}{2}$ " to 23 $\frac{1}{4}$ ", incl., 2 cents; 23 $\frac{1}{4}$ " to 26", incl., 3 cents; 26" to 27 $\frac{1}{2}$ ", incl., 4 cents; 27 $\frac{1}{2}$ " to 29 $\frac{1}{2}$ ", incl., 5 cents.

² For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by five per cent.

[Table II as amended February 9, 1942, effective February 10, 1942, 7 F.R. 931]

used in the production of sheetings and Class A print cloth.

¹ Effective December 29, 1941. In connection with deliveries against contracts entered into between October 21 and December 28, 1941, inclusive, premiums are allowable (except on twills and drills of the types and classes listed in Table III-A) as follows:

Weaves which, including selvage, require five cams..... $\frac{1}{4}$ ¢ per yd.

Weaves which, including selvage, require 6 or more cams..... $\frac{1}{2}$ ¢ per yd.

² If a premium is charged for dobby weave, no additional premium may be charged either for fancy draw or for slubs.

[Table I as amended February 2, 1942, effective February 2, 1942; 7 F.R. 714.]

*The maximum prices set forth in this table above are for part-waste osenaburgs. Maximum prices for clean osenaburgs shall be the above prices plus the following differentials:

For clean osenaburgs made of tinged cotton, 1½ cents per lb.
For clean osenaburgs made entirely of white cotton, 2 cents per lb.

No osenaburg shall be classed, for the purposes of Price Schedule No. 35, as a clean osenaburg unless it is wholly free from card strips and other waste material.

For any osenaburg with 32 or more picks per inch, a premium of ¼ cent per pound over the otherwise applicable maximum price may be charged.

[Table III as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

TABLE IIIA—KEY TO TYPES AND CLASSES OF CLOTH LISTED IN TABLE III

Type and class of cloth	Yarn numbers (all numbers inclusive)	Weights (yards per pound—all numbers inclusive) ¹
Sheetings (under 42" in width):	Up to 16s.....	1.50 and under.
Class A.....	16s to 21s.....	1.61 to 2.00.
Class B.....	Above 21s.....	2.01 to 2.85.
Class C.....		2.86 and over.
Drills (under 42" in width):		
Class A.....		2.00 and under.
Class B.....		2.01 to 2.60.
Class C.....		2.61 to 3.00.
Class D.....		3.01 to 3.50.
Class E.....		3.51 and over.
Three-leaf jeans (under 42" in width):		
Class A.....		1.50 and under.
Class B.....		1.61 to 2.00.
Class C.....		2.01 to 2.85.
Class D.....		2.86 and over.
Four-leaf twills (under 42" in width):		
Class A.....		2.35 and under.
Class B.....		2.36 to 2.70.
Class C.....		2.71 to 3.05.
Class D.....		3.06 to 3.50.
Class E.....		3.51 and over.

¹ Weights for sheetings, drills, three-leaf jeans, and four-leaf twills are for all widths pro-rated to 37"; weights for osenaburgs are for all widths pro-rated to 40".

[Table III-A as amended January 21, 1942, effective January 23, 1942, 7 F.R. 475]

TABLE III—SHEETING YARN GROUP

(Specifications for the types and classes of cloth listed herein are set forth in Table III-A)

Type and class of cloth	Spot cotton price—Cents per pound					
	15.00 to 16.42 incl.	16.43 to 17.73 incl.	17.74 to 18.37 incl.	18.38 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 20.35 incl.
Sheetings:						
Class A.....	35.50	36.50	37.00	38.00	39.00	40.00
Class B.....	36.50	37.50	38.00	39.00	40.00	41.00
Class C.....	37.00	38.00	39.00	40.00	41.00	42.00
Drills:						
Class A.....	34.50	35.50	36.00	37.00	38.00	39.00
Class B.....	35.50	36.50	37.00	38.00	39.00	40.00
Class C.....	36.50	37.50	38.00	39.00	40.00	41.00
Class D.....	37.00	38.00	39.00	40.00	41.00	42.00
Class E.....	38.00	39.00	40.00	41.00	42.00	43.00
Three-leaf jeans:						
Class A.....	34.50	35.50	36.00	37.00	38.00	39.00
Class B.....	35.50	36.50	37.00	38.00	39.00	40.00
Class C.....	36.50	37.50	38.00	39.00	40.00	41.00
Class D.....	37.00	38.00	39.00	40.00	41.00	42.00
Class E.....	38.00	39.00	40.00	41.00	42.00	43.00
Four-leaf twills:						
Class A.....	34.50	35.50	36.00	37.00	38.00	39.00
Class B.....	35.50	36.50	37.00	38.00	39.00	40.00
Class C.....	36.50	37.50	38.00	39.00	40.00	41.00
Class D.....	37.00	38.00	39.00	40.00	41.00	42.00
Class E.....	38.00	39.00	40.00	41.00	42.00	43.00
Osenaburgs:						
Class A.....	22.00	23.00	24.00	25.00	26.00	27.00
Class B.....	23.00	24.00	25.00	26.00	27.00	28.00
Class C.....	24.00	25.00	26.00	27.00	28.00	29.00
Class D.....	25.00	26.00	27.00	28.00	29.00	30.00
Class E.....	26.00	27.00	28.00	29.00	30.00	31.00

¹ For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by 5 percent.
² The maximum prices set forth above for Class C sheetings, drills, three-leaf jeans, and four-leaf twills shall be adjusted in accordance with the differentials appearing below. No more than one thread-count differential and one herringbone-weave differential may be added to the maximum price for any given fabric.

CLASS C SHEETINGS	
(Total thread-count per sq. in.)	
130 to 139, inclusive.....	add 1½¢
140 to 149, inclusive.....	add 2¼¢
150 and over, inclusive.....	add 4¢
CLASS B SHEETINGS	
(Total thread-count per sq. in.)	
94 and under.....	deduct 1½¢
110 to 124, inclusive.....	add 1½¢
125 and over.....	add 1¢
CLASS A SHEETINGS	
(Total thread-count per sq. in.)	
114 and under.....	deduct 1½¢
139 and over.....	add 1½¢
FOUR-LEAF TWILLS (ALL CLASSES)	
(Total thread-count per sq. in.)	
Reverse twist.....	add 1½¢
Plain.....	add 1½¢
THREE-LEAF TWILLS (HERRINGBONE WEAVES)	
Reverse twist.....	add 1½¢
Plain.....	add 1½¢

*The maximum prices set forth herein for four-leaf twills must be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for each portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

¹ The maximum prices appearing above for osenaburgs are effective January 23, 1942. For part-waste osenaburgs delivered pursuant to contracts entered into between October 21, 1941 and January 23, 1942, inclusive, the maximum prices are as follows:

Class	Description of class	Maximum prices
A	Yarn numbers up to 9s, inclusive.....	Same as for Class A, above.
B	Yarn numbers above 9s.....	Same as for Class B, above.

TABLE V—COLORED YARN GROUP, EXCLUSIVE OF DENIMS (PRICES ARE FOR ALL SHADES AND COLORS)

Class of cloth and weight in yards per pound ¹	Cotton spot price—Cents per pound (all numbers inclusive)					
	15.99 to 16.40	16.41 to 16.82	16.83 to 17.24	17.25 to 17.66	17.67 to 18.08	18.09 to 18.50
Cents per yard ²						
Carded fine yarn shirting						
Chambray:						
Mill finish:	11.25	11.37 ³	11.50	11.75	11.87 ⁵	12.00
3.60 yds.:	12.50	12.62 ⁵	12.75	13.00	13.12 ⁵	13.25
3.20 yds.:	12.50	12.62 ⁵	12.75	13.00	13.12 ⁵	13.25
Sanitized:	15.00	15.12 ⁵	15.25	15.50	15.62 ⁵	15.75
3.60 yds.:	17.75	17.87 ⁵	18.00	18.25	18.37 ⁵	18.50
3.20 yds.:	17.75	17.87 ⁵	18.00	18.25	18.37 ⁵	18.50
Carded Coarse Yarn Shirt-						
ing:						
Chambray:						
Mill finish:	15.00	15.12 ⁵	15.25	15.50	15.62 ⁵	15.75
3.60 yds.:	17.75	17.87 ⁵	18.00	18.25	18.37 ⁵	18.50
3.20 yds.:	17.75	17.87 ⁵	18.00	18.25	18.37 ⁵	18.50
Carded Fine Yarn Shirt-						
ing:						
Coarse Yarn:						
Mill finish:	13.25	13.37 ⁵	13.50	13.75	13.87 ⁵	14.00
3.60 yds.:	16.75	16.87 ⁵	17.00	17.25	17.37 ⁵	17.50
3.20 yds.:	16.75	16.87 ⁵	17.00	17.25	17.37 ⁵	17.50
Sanitized:	18.50	18.62 ⁵	18.75	19.00	19.12 ⁵	19.25
3.60 yds.:	20.50	20.62 ⁵	20.75	21.00	21.12 ⁵	21.25
3.20 yds.:	20.50	20.62 ⁵	20.75	21.00	21.12 ⁵	21.25
Carded Coarse Yarn						
Shirting:						
Coarse Yarn:						
Mill finish:	16.25	16.37 ⁵	16.50	16.75	16.87 ⁵	17.00
3.60 yds.:	18.25	18.37 ⁵	18.50	18.75	18.87 ⁵	19.00
3.20 yds.:	18.25	18.37 ⁵	18.50	18.75	18.87 ⁵	19.00
Sanitized:	20.50	20.62 ⁵	20.75	21.00	21.12 ⁵	21.25
3.60 yds.:	22.50	22.62 ⁵	22.75	23.00	23.12 ⁵	23.25
3.20 yds.:	22.50	22.62 ⁵	22.75	23.00	23.12 ⁵	23.25

¹ The maximum prices set forth herein are for fabrics 36 or more inches in width. The maximum price for a fabric of any lesser width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 36-inch width) as does its width to 36 inches. [The first paragraph of this footnote as amended January 6, 1942, effective January 6, 1942, 7 F. R. 122.]

² Maximum prices for cloths of weight other than those listed herein (for the same type of cloth) shall be determined in proportion to the respective number of yards per pound, from the maximum price for the cloth of that type and of that weight. [The second paragraph of this footnote as amended February 2, 1942, effective November 27, 1941, 7 F. R. 714.]

³ The maximum prices set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 per cent; and (2) where payment is made within the next 60 days, by 2 per cent and by interest at 6 per cent per annum for earlier payment.

⁴ Maximum prices for seconds and short lengths of shirting chambrays and shirting covers shall be the above prices, discounted as follows:

Seconds.....	(Cents per yard)
Short Lengths:	
20 to 40 yards, inclusive.....	1 1/2
10 to 19.99 yards, inclusive.....	1 1/4
1 to 9.99 yards, inclusive.....	1 1/2

⁵ Maximum prices for seconds and short lengths of pants covers shall be the above prices, discounted as follows:

Seconds.....	(Cents per yard)
Short Lengths:	
20 to 40 yards, inclusive.....	1 1/2
10 to 19.99 yards, inclusive.....	1 1/4
1 to 9.99 yards, inclusive.....	1 1/2

[Table V as amended February 9, 1942, effective February 10, 1942; 7 F. R. 631.]

TABLE IV—DENIMS¹ (PRICES ARE FOR ALL SHADES AND COLORS)

Type of cloth and yards per pound or ounces per yard	Spot cotton price—Cents per pound					
	15.99 to 16.44 incl.	16.45 to 16.90 incl.	17.37 to 17.82 incl.	17.83 to 18.28 incl.	18.29 to 18.74 incl.	18.75 to 19.20 incl.
Cents per yard						
Denims:						
Mill finish:	12.50	12.75	13.00	13.25	13.50	13.75
3.60 yds.:	14.25	14.50	14.75	15.00	15.25	15.50
3.00 yds.:	14.25	14.50	14.75	15.00	15.25	15.50
2.60 yds.:	16.75	17.00	17.25	17.50	17.75	18.00
2.45 yds.:	16.75	17.00	17.25	17.50	17.75	18.00
2.40 yds.:	16.75	17.00	17.25	17.50	17.75	18.00
2.30 yds.:	17.50	17.75	18.00	18.25	18.50	18.75
2.20 yds.:	18.00	18.25	18.50	18.75	19.00	19.25
8 oz. (2.00):	19.75	20.00	20.25	20.50	20.75	21.00
9 oz. (1.78):	22.00	22.25	22.50	22.75	23.00	23.25
Sanitized:						
3.15 yds.:	14.75	15.00	15.25	15.50	15.75	16.00
3.00 yds.:	14.75	15.00	15.25	15.50	15.75	16.00
2.70 yds.:	16.75	17.00	17.25	17.50	17.75	18.00
2.45 yds.:	18.50	18.75	19.00	19.25	19.50	19.75
2.40 yds.:	18.50	18.75	19.00	19.25	19.50	19.75
8 oz. (2.00):	20.75	21.00	21.25	21.50	21.75	22.00
9 oz. (1.78):	22.75	23.00	23.25	23.50	23.75	24.00
10 oz. (1.60):	25.25	25.50	25.75	26.00	26.25	26.50

[Table III-A as amended February 9, 1942, effective February 10, 1942; 7 F. R. 631]

¹ The maximum prices listed above are for all patterns made entirely or in part with white filling yarn. Premiums over the above maximum prices may be charged as follows:

For solid color and for all stripes and patterns made with 100 percent-colored filling yarn. (Cents per yard) 1/4

For herringbone set forth herein and for denims of 28 to 30 inches, inclusive, in width. The maximum price for a denim of any other width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 28 to 30 inch width) as does its width to 28 inches. 1/2

Maximum prices for cloths of weight other than those listed herein (for the same type of cloth) shall be determined by interpolation, according to the respective number of yards per pound, between the maximum prices set forth herein; maximum prices for denims of weights greater than any listed herein shall be determined, in proportion to the respective number of yards per pound, from the maximum price for, respectively, the heaviest or lightest denim listed in this table.

For seconds and short lengths of denim, the maximum prices listed in this table must be discounted as follows: Seconds 1/4 cent; short lengths, 25 to 40 yards, inclusive, 1/4 cent; 10 to 24.99 yards, 1 cent; 2 to 9.99 yards, 15 percent. The maximum prices set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer at his option or pursuant to agreement with the seller, anticipates by earlier payment.

[Footnote 1 as amended February 2, 1942, effective October 21, 1941, 7 F. R. 714]

(c) (1) In addition to the maximum prices set forth in paragraphs (a) and (b) a premium may be demanded, charged, paid or accepted for cotton goods (other than those named in subparagraphs (4) and (5) below) made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the most nearly comparable goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.61 (c) (3):

(i) The premium shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June, 1941, or, if no such goods have been sold by the seller during that period, 5 percent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

[Subparagraph (1) as amended January 5, 1942, effective January 6, 1942; 7 F.R. 122]

(2) Every seller making a sale, contract of sale, or delivery of cotton goods at a price including all or part of any premium permissible under § 1316.61 (c) (1) shall, on or before the 10th day of the succeeding month, file with the Office of Price Administration a sworn statement on Form 135:2 stating, with respect to each sale, contract of sale, or delivery made during the preceding calendar month, the date of the sale or contract of sale; the quantity of goods covered thereby; the date or dates when delivery is to be or has been made; the name of the manufacturer of the goods and of the buyer; the price agreed upon, charged, or paid; the buyer's specifications, in accordance with which the goods are made; the date of issuance thereof by the buyer; the use to which the goods are to be put; and the special physical requirements which are relied upon for the premium charged: *Provided*, That if a report, as required hereunder, is duly made of a sale, or contract, of sale, or any delivery pursuant thereto, no report need be made of any subsequent delivery of the same kind of goods pursuant to such sale or contract of sale.

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (a) or (b), a premium for (i) cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by a seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a

seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; or (iv) cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade. Such application, which shall be sworn to before a notary public, shall be accompanied by a yard-long sample of the fabric in its full width and shall state in detail (i) the construction of the cloth, including the width, thread count, and weight, and, with respect to both the warp and filling yarns, the yarn number and the staple, grade, and kind of cotton used; (ii) the specifications, if any, to which the goods are made; (iii) the use to which the goods are to be put; (iv) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (v) the person or persons, if any, from whom the goods were purchased and the premiums, if any, paid (in cents over the prevailing market prices of the most nearly comparable goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted, and if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.

[Subparagraph (3) as amended January 5, 1942, effective January 6, 1942; 7 F.R. 122]

(4) For window-shade or book cloth of the same constructions as print cloth of Class A or Class B, a premium of 6 cents per pound may be charged. Where any or all of such premium is charged, no premium is allowable for feeler motion. The premium permissible hereunder is not applicable to selected print cloth but only to goods manufactured for use in high quality window shades or for other uses requiring cloth equally free of imperfections.

On or before January 15, 1942 and on or before the 10th day of each month thereafter every person who has sold

window-shade or book cloth at all or part of the premium permissible hereunder shall submit to the Office of Price Administration a report on Form 135:6 of all such sales. The first report shall cover all sales, contracts of sale, or deliveries made between October 21 and December 31, 1941, inclusive; subsequent reports shall cover all sales or contracts of sale made during the calendar month preceding that in which the report is due.

[Subparagraph (4) added by amendment January 5, 1942, effective January 6, 1942; 7 F.R. 122]

(5) The provisions of subparagraphs (1), (2), and (3) above are not applicable to the fabrics described below, for which the premiums set forth herein may be charged in addition to the otherwise applicable maximum price as set forth in paragraph (b): *Provided*, (i) That the fabrics are made for use in the manufacture of products to meet the specifications named below opposite the premium charged; and (ii) that the purchaser shall certify in writing to the seller, before any delivery is made, that the fabric is to be so used.

	Premium allowable (cents per lb.)
Grey goods made for use in products to meet—	
U. S. Army Specification No. 6-247 (July 12, 1937) and Amendment No. 1 (July 10, 1940) for cloth, drill, unbleached (fully shrunk).....	1
U. S. Army Specification No. 6-261 (January 7, 1939) and Amendment No. 1 (May 24, 1940) for cloth, cotton, herringbone twill.....	1
	(cents per yd.)
Quartermaster Corps Tentative Specification (October 31, 1940) for Raincoats, Single Texture, Rubberized, O. D.....	½

¹ Grey goods made for use in meeting this specification are classified under Price Schedule No. 35 as Class A drills.

[Subparagraph (5), as amended February 2, 1942, effective January 6, 1942; 7 F.R. 715]

(6) Permission to pay premiums has been granted under (3) above as follows:

Permission granted to—	By letter dated
Hamilton Textile Corp., New York, N. Y.....	Dec. 5, 1941
Formica Insulation Co., Cincinnati, Ohio.....	Dec. 27, 1941
Pacific Mills, Boston, Mass.....	Jan. 16, 1942
Marathon Rubber Products Co., Wausau, Wis.....	Jan. 16, 1942

[Subparagraph (6) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 715]

§ 1316.62 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to Price Schedule No. 35:

(a) such amendment shall not be deemed to affect the provisions of Price Schedule No. 35 as they stood prior to such amendment;

(b) it shall be permissible for any person to make or accept delivery of cotton goods at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price

was subject to and in conformity with Price Schedule No. 35 when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of Price Schedule No. 35, as in effect when the contract was made.*

[§ 1316.82 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 715]

Issued this 18th day of October, 1941.¹

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 36—ACETONE

The demand for acetone has increased sharply in recent months as a direct result of the National Defense Program. Acetone is not only essential in the manufacture of high explosives required by the armed forces but is also essential in the preparation of cellulose acetate rayon and many other products important for civilian use. The Office of Price Administration has ascertained that the tank-car price of acetone has increased from 6¢ at the beginning of this year to 7¢ per pound in the third quarter. Prices in excess of 7¢ per pound have been announced by certain large producers for the fourth quarter of 1941. The average price of acetone during 1940 was approximately 4½¢ per pound. After consultation with representatives of the industry, the Office of Price Administration has determined that there are no justifiable reasons for prices of acetone in excess of 7¢ per pound in tank-car quantities. Further increase in prices would, therefore, be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.301 *Maximum prices for acetone.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer acetone in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept deliveries of acetone in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1335.310.*

*§§ 1335.301 to 1335.310, inclusive, issued pursuant to authority contained in E.O. 8734, 2875, 6 F.R. 1917, 4483.

§ 1335.302 *Less than maximum prices.* Lower prices than those set forth in § 1335.310, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.303 *Evasion.* The price limitations set forth in Price Schedule No. 36 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of acetone, alone or in conjunction with any other material or by way of any commission, service, transportation, or other

charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of acetone, or otherwise.*

§ 1335.304 *Records and reports.* (a) Every person making purchases or sales of acetone in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale showing the date thereof, and the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the acetone purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of acetone, other than those engaged in the production of acetone synthetically, shall submit to the Office of Price Administration a report on Form 136:1 in the detail required by such Form showing the total production of acetone by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by Price Schedule No. 36 shall submit such other reports to the Office of Price Administration as it may from time to time require.*

§ 1335.305 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold acetone in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 136:2, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 36 or with any exception or modification thereof. Copies of Form 136:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.306 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 36, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 36, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 36, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 36. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maxi-

mum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of acetone, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.307 *Modification of Price Schedule No. 36.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 36 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.308 *Definitions.* When used in Price Schedule No. 36 the term—

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetone" means chemically pure acetone.*

§ 1335.309 *Effective date of Price Schedule No. 36.* This Schedule (§§ 1335.301 to 1335.310, inclusive) shall become effective October 27, 1941.*

§ 1335.310 *Appendix A: Maximum prices for acetone.* The following maximum prices are established for acetone whether produced synthetically or from the fermentation of molasses, corn or other raw material.

(a) *Eastern territory.*²

	Per lb. delivered
Tank cars.....	\$0.158
Drums, car-load lots.....	.108
Drums, less than car-load lots.....	.173

In the case of acetone produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is \$2.50 per hundred pounds of sugar content, delivered to the plant of the producer. For each increase or a decrease of \$0.10 in such cost, the maximum prices for such acetone shall be the above maximum prices plus or minus \$0.004.

(b) *Western territory.*³ The maximum prices established for acetone in Western Territory are the maximum prices established by paragraph (a) for acetone in Eastern Territory plus ½¢ per pound.

(c) *Maximum prices for acetone delivered from local stocks.* The maximum price for acetone delivered from local stocks maintained by others than producers shall be the maximum prices established by paragraphs (a) or (b) above, whichever the case may be, plus \$0.01 per pound.

(d) *Containers.* For acetone sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraphs (a), (b), and (c) above.*

[§ 1335.310 as amended, December 19, 1941 effective January 1, 1942; 6 F.R. 6652]

Issued this 20th day of October 1941.⁴

LEON HENDERSON,
Administrator.

*When used in this Appendix, the term "Eastern" territory means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western" territory means all other states of the United States.

²Issued: 6 F.R. 5340. Amended: 6 F.R. 6652.

¹Issued: 6 F.R. 5335. Corrected: 6 F.R. 5488. Amended: 6 F.R. 6047, 6799. Corrected: 7 F.R. 81. Amended: 7 F.R. 122, 475, 714, 931.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 37—NORMAL BUTYL ALCOHOL

As a result of conditions engendered by the National Defense Program, the demand for normal butyl alcohol has increased sharply in recent months. Normal butyl alcohol is an important chemical which is used in the manufacture of butyl acetate, lacquers, plasticizers and many other products. The price of normal butyl alcohol in tank-car quantities has increased from 8¢ per pound at the end of 1940 to 10¢ per pound in the third quarter of 1941. Certain producers have announced an additional increase to 11¢ per pound for the fourth quarter of 1941, and some sales have occurred at even higher prices. Further price advances are threatened.

After investigation and conferences with representatives of the butyl alcohol industry, the Office of Price Administration has found that there is no justifiable reason for a price of normal butyl alcohol in excess of 10¾¢ per pound. Further increases would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.351 *Maximum prices for normal butyl alcohol.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer normal butyl alcohol in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept delivery of normal butyl alcohol in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.360.*

*§§ 1335.351 to 1335.360 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.352 *Less than maximum prices.* Lower prices than those set forth in § 1335.360, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.353 *Evasion.* The price limitations set forth in Price Schedule No. 37 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of normal butyl alcohol, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formulae or grades of normal butyl alcohol, or otherwise.*

§ 1335.354 *Records and reports.* (a) Every person making purchases or sales of normal butyl alcohol in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the normal butyl alcohol purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of normal butyl alcohol, other than those engaged in the production of normal butyl alcohol synthetically, shall submit to the Office of Price Administration a report on Form 137:1 in the detail required by such Form, showing the total production of normal butyl alcohol by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by Price Schedule No. 37 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.355 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold normal butyl alcohol in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 137:2, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 37 or with any exception or modification thereof. Copies of Form 137:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.356 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of Price Schedule No. 37, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 37, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 37, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 37. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of normal butyl alcohol, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.357 *Modification of Price Schedule No. 37.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 37 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.358 *Definitions.* When used in Price Schedule No. 37, the term—

(a) "Person" means an individual partnership, association, or other business entity.

§ 1335.359 *Effective date of Price Schedule No. 37.* This Schedule (§§ 1335.351 to 1335.360, inclusive) shall become effective October 27, 1941.*

§ 1335.360 *Appendix A; Maximum prices for normal butyl alcohol.* The following maximum prices are established for normal butyl alcohol whether produced synthetically or from the fermentation of molasses, corn or other raw material:

(a) *Eastern territory.*¹

	Per lb. delivered
Tank cars.....	\$0.158
Drums, car-load lots.....	.163
Drums, less than car-load lots.....	.173

In the case of normal butyl alcohol produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is \$2.50 per hundred pounds of sugar content, delivered to the plant of the producer. For each increase or a decrease of \$0.10 in such cost, the maximum prices for such normal butyl alcohol shall be the above maximum prices plus or minus \$0.004.

(b) *Western territory.*² The maximum prices established for normal butyl alcohol in Western Territory are the maximum prices established in paragraph (a) for normal butyl alcohol in Eastern Territory plus ½¢ per pound.

(c) *Maximum prices for normal butyl alcohol delivered from local stocks.* The maximum price for normal butyl alcohol delivered from local stocks maintained by others than producers shall be the maximum prices established by paragraphs (a) or (b) above, whichever the case may be, plus \$0.01 per pound.

(d) *Containers.* For normal butyl alcohol sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraphs (a) (b) and (c) above.*

[§ 1335.360 as amended December 19, 1941, effective January 1, 1942; 6 F.R. 6652]

Issued this 20th day of October 1941.³

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 38—GLYCERINE

A sharp increase in the demand for glycerine has occurred in recent months as a result of the national defense program. Glycerine is an extremely important chemical, essential not only in the production of high explosives used by the armed forces but also in the manufacture of a great number of important civilian products. Upon the price of

¹When used in this Appendix, the term "Eastern" territory means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western" territory means all other states of the United States.

²Issued: 6 F.R. 5341. Amended: 6 F.R. 6652.

glycerine depends the price of many other necessary chemicals. The tank-car price of crude glycerine (80% glycerol), the basic grade among those affected by Price Schedule No. 38, has risen from 7½¢ per pound at the beginning of this year to 18¢ per pound during the fourth quarter. The price of refined glycerine (95% glycerol) has increased in recent months from approximately 13¢ per pound to 21½¢ per pound and is threatening to rise even higher. The Office of Price Administration has consulted with representatives of the industry and has determined that there are no justifiable reasons for prices of crude glycerine and refined glycerine in excess of 11½¢ per pound and 18¢ per pound, respectively, in tank-car quantities. Further increases in price would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.401 *Maximum prices for glycerine.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer glycerine in containers of 500 pounds or more, and no person shall buy, offer to buy or accept delivery of glycerine in containers of 500 pounds or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.410.*

* §§ 1335.401 to 1335.410, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8876, 6 F.R. 1917, 4483.

§ 1335.402 *Less than maximum prices.* Lower prices than those set forth in § 1335.410, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.403 *Evasion.* The price limitations set forth in Price Schedule No. 38 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of glycerine, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of glycerine, or otherwise.*

§ 1335.404 *Records and reports.* (a) Every person making purchases or sales of glycerine in containers of 500 pounds or more after November 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers of the glycerine purchased or sold.

(b) On or before December 10, 1941, and on or before the 10th day of every April, August and December thereafter, every producer of glycerine, whether of crude or refined or both, shall submit to the Office of Price Administration a report on Form 138:1 in the detail required by the Form showing the total inventory of glycerine held upon the first day of

each such month, and such other information as the Form requires. Persons affected by Price Schedule No. 38 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.405 *Affirmations of compliance.* On or before December 20, 1941, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has sold glycerine in containers of 500 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 138:2 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 38 or with any exception therefrom or modification thereof. Copies of Form 138:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

[§ 1335.405 as amended December 18, 1941, effective December 18, 1941; 6 F.R. 6550.]

§ 1335.406 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 38, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 38, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 38, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 38. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of glycerine, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.407 *Modification of Price Schedule No. 38.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 38 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless the person making such application shall have complied with Price Schedule No. 38 to the satisfaction of that Office.*

§ 1335.408 *Definitions.* When used in Price Schedule No. 38 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Glycerine" means crude and refined glycerine.*

§ 1335.409 *Effective date of Price Schedule No. 38.* This Schedule (§§ 1335.401 to 1335.410, inclusive) shall become effective November 10, 1941.*

§ 1335.410 *Appendix A: Maximum prices for glycerine.* The following maximum prices are established for glycerine:

(a) *Refined-glycerine*

	Tank cars	Drums	
		Car-load lots	Less than carload lots
	(Per pound delivered)		
(1) U. S. P. glycerine (98 percent glycerol).....	\$0.18½	\$0.18¾	\$0.19¼
(2) U. S. P. glycerine (U. S. P. 95 percent glycerol).....	.18	.18¾	.18¾
(3) Dynamite.....	.18	.18¾	.18¾
(4) High Gravity.....	.18	.18¾	.18¾
(5) Yellow Distilled.....	.18	.18¾	.18¾

The above prices established for refined glycerine in this paragraph (a) are applicable to deliveries in Zones A and C. For deliveries of refined glycerine in Zone B, the maximum price shall be the maximum price for deliveries in Zones A and C plus 2 cents per pound.

(b) *Crude Glycerine*

	Tank cars	Drums	
		Car-load lots	Less than carload lots
	(Per pound delivered)		
(1) Soap lye (basis 80 percent glycerol).....	\$0.11½	\$0.11½	\$0.11½
(2) Saponification (basis 88 percent glycerol) to refiners....	.12¾	.12¾	.12¾
	(Per pound f. o. b. point of manufacture)		
(3) Saponification (basis 88 percent glycerol) for individual uses.....	\$0.12¾	\$0.13¾	\$0.14¾
(4) Crude glycerine of glycerol percentages other than those listed above.....	-----	-----	-----

Maximum prices for crude glycerine of any glycerol percentages other than those listed above, shall be the maximum prices set forth above for the respective grade, use and quantity, increased or decreased in proportion to the increase or decrease in the percentage of glycerol content.

(c) *Excess freight.* Where the transportation charge on a shipment of crude glycerine from point of manufacture to point of refining exceeds the transportation charge which would be applicable on the same shipment from the same point of manufacture by the same mode of transportation to another point of refining, the amount of such excess may be added to the delivered prices set forth in paragraph (b) above. Such excess shall be shown as a separate item in all records and invoices.

(d) *Definitions as used in this Appendix A.* When used in this Appendix A, the term:

(1) Zone "A" means All points east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma,

Texas; Laramie County, Wyoming; Colorado, east of but not including the following counties: Jackson, Grand, Gilpin, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, Costilla.

(2) Zone "B" means The territory between Zone A and Zone C, as follows: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath; Nevada, Arizona, New Mexico, that part of Colorado west of and including those counties mentioned above; Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(3) Zone "C" means the territory west of Zone "B".*

[§ 1335.410 as amended December 18, 1941, effective December 18, 1941; 6 F.R. 6550]

Issued this 27th day of October 1941.*

LEON HENDERSON,
Administrator.

PART 1325—CONSUMER'S DURABLE GOODS
REVISED PRICE SCHEDULE NO. 39—UPHOLSTERY FURNITURE FABRICS

Prices of upholstery furniture fabrics constitute an important cost to the furniture manufacturer. A survey of representative upholstery fabric manufacturers shows an average increase of 24 per cent in the period between January 1, 1941, and October 15, 1941. A contemplated price schedule will freeze current prices of wood furniture at their existing levels. Preventing further rises in upholstery furniture fabrics will implement this ceiling.

With the cooperation of the great majority of the industry, by means of individual voluntary agreements, the Office of Price Administration has succeeded in achieving some measure of stability in prices during September and October.

During that period, by letters of September 27 and October 15, this Office attempted to secure detailed cost and profit information from the industry to determine whether or not the previous price rises were justified. Hardly any of this information has been submitted. This investigation is continuing. This Office is also undertaking research, in conjunction with the Bureau of Standards, for the purpose of establishing standards of quality. Meanwhile, effective measures must be taken to prevent further increases which may result in unwarranted prices. After investigation, this Office has determined that the most effective action, and the one best calculated to assure uniform treatment for all members of the industry, is the issuance of a price schedule fixing maximum prices at 105 per cent of those in effect on September 10, 1941.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1325.51 *Maximum prices for upholstery furniture fabrics.* (a) On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manu-

facturer shall sell, offer to sell, deliver or transfer any present pattern of upholstery furniture fabrics at a price higher than the maximum price. The maximum price for any present pattern shall be 105 per cent of the price quoted for such pattern in the manufacturer's price list in effect on September 10, 1941, to the same general class of purchasers. If no such price exists, the maximum price shall be 105 per cent of the highest price, f. o. b. seller's point of shipment, at which such pattern was sold and delivered to a purchaser of the same general class in the sixty-day period ended September 10, 1941.

(b) The following maximum prices have been established for Brooks Brothers Company Incorporated, Philadelphia, Pennsylvania: for each present pattern for which the price quoted in the September 20, 1941, price list exceeds 105 per cent of the price quoted for such pattern in the price list in effect on September 10, 1941, the maximum price shall be the price quoted for such pattern in the September 20, 1941 price list; for all other present patterns the maximum price shall be the price determined under the provisions of this section applicable to all manufacturers.*

[Paragraph (b) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 717]

*§§ 1325.51 to 1325.60, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1325.52 *Less than maximum prices.* Lower prices than those established in § 1325.51 may be charged, demanded, paid or offered.*

§ 1325.53 *Evasion.* The price limitations set forth in Price Schedule No. 39 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of upholstery furniture fabrics, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1325.54 *Reports.*—(a) *Line as of September 10, 1941.* On or before November 20, 1941, each manufacturer shall submit to the Office of Price Administration reports on present patterns on Form 139:1, showing in the detail required by such Form the maximum prices established for such patterns by § 1325.51 of Price Schedule No. 39, the name or number of such patterns, the specifications used for such patterns, and such other information as such Form may require. Manufacturers who have already submitted information required in Form 139:1 need not duplicate such information, but shall fill out such part of the Form as is necessary to complete the information required, and shall enclose with the Form a reference to the information already submitted. Copies of Form 139:1 can be procured from the Office of Price Administration.

(b) *Additions to such line.* Every addition to a manufacturer's line which is first delivered to a purchaser (or to a carrier for shipment to a purchaser) in the period commenced September 10,

1941, and ended November 10, 1941, shall be reported on Form 139:1 to the Office of Price Administration on or before November 20, 1941. Every addition to a manufacturer's line which is first delivered to a purchaser (or to a carrier for shipment to a purchaser) after November 10, 1941, shall be reported on Form 139:1 to the Office of Price Administration within ten days after such delivery.

Persons affected by Price Schedule No. 39 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1325.55 *Records.* Every manufacturer making sales of upholstery furniture fabrics after November 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, and the prices received, the patterns, and the quantity of upholstery furniture fabrics sold.*

§ 1325.56 *Affirmations of compliance.* On or before January 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1325.55 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 139:2, containing a sworn statement that during such period all such sales were made at prices in compliance with Price Schedule No. 39 or with any exception therefrom or modification thereof. Copies of Form 139:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1325.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 39, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 39, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state, and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 39; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 39. Persons who have evidence of the receipt or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of upholstery furniture fabrics, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1325.58 *Modification of Price Schedule No. 39.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 39 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applica-

* Issued: 6 F.R. 5488. Amended: 6 F.R. 6550.

tion under this section will be considered unless the person making such application shall have complied with Price Schedule No. 39.*

§ 1325.59 *Definitions.* When used in Price Schedule No. 39 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures upholstery furniture fabrics, with the exception of persons who in the first six months of 1941, manufactured at least 80 percent by dollar volume of their products on the individual order of the purchaser, rather than for their stock, in quantities of 300 yards or less per pattern per month;

(c) "Upholstery furniture fabrics" means fabrics, in their manufactured state, which are commonly used for furniture upholstery;

(d) "Pattern" means any design of upholstery furniture fabrics, irrespective of color, manufactured and sold as a distinct item;

(e) "Present pattern" means any pattern offered for sale in the sixty-day period ended September 10, 1941;

(f) "Addition" means an upholstery furniture fabric offered for sale in which the pattern or the specifications differ from the pattern or the specifications of the upholstery furniture fabrics offered for sale by the same manufacturer in the sixty-day period ended September 10, 1941.*

§ 1325.60 *Effective date of Price Schedule No. 39.* This schedule (§§ 1325.51 to 1325.60, inclusive,) shall become effective on November 10, 1941.*

Issued this 10th day of November, 1941.*

LEON HENDERSON,
Administrator.

PART 1346—BUILDING MATERIALS

REVISED PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

Builders' hardware, which includes such items as knobs, handles, locks, hinges, and window bolts, and insect screen cloth are important elements in building construction, and as such have considerable significance both in the defense program and in the civilian economy. Shortages of their basic raw materials, chiefly copper, and to a lesser extent such metals as zinc and tin, have produced inflationary pressure upon builders' hardware and screen cloth, most noticeably in the case of existing inventories. The issuance by the Office of Production Management of Conservation Order No. M-9-c on October 21, as amended November 3, severely curtailing at once the use of copper in builders' hardware and screening (among other things), and prohibiting its use therein altogether after January 1, 1942, will tend to cause an accentuation of this pressure on inventories.

The present schedule, instead of specifying the ceiling price for each item of

builders' hardware and screen cloth, fixes as maximum prices on a group of named items the highest prices prevailing during the fifteen-day period ending October 15, 1941. This action is taken because of the difficulty of classifying these products, and because of the danger of inflationary price action during the time that would be required for the preparation of individual schedules covering each product.

[Preamble as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

Accordingly, under the authority vested in me under Executive Order No. 8734, it is hereby directed that:

§ 1346.1 *Maximum prices for builders' hardware and insect screen cloth.* (a) On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person, except a retailer as defined in § 1346.7 (b), shall sell, offer to sell, deliver, or transfer any of the builders' hardware or screen cloth products set forth in Appendix A, incorporated herein as § 1346.9, at prices higher than the maximum price.

(b) (1) The maximum price shall be the highest price received by the seller for the delivery during the period between October 1, 1941 and October 15, 1941, of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to the same purchaser.

(2) If no such delivery to the same purchaser was made, the maximum price shall be the highest price received by the seller for a delivery during such period of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to a purchaser recognized by the trade as entitled to similar treatment.

(3) If no delivery of products of approximately the same grade, quality, and amount was made, the maximum price shall be determined from the price of a related builders' hardware or screen cloth product, delivered during such period, by making an appropriate adjustment for differences in type of product, grade, quality, amount, and type of purchaser. A "related builders' hardware or screen cloth product" means one bearing a recognized or determinable price relationship to the product being sold.

(4) In all other cases, the maximum price shall be the market price during such period for the same type of product, grade, quality, amount, and type of purchaser.*

[§ 1346.1 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

*§§ 1346.1 to 1346.9, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1346.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 40 may be charged, demanded, paid, or offered.*

§ 1346.3 *Evasion.* The price limitations set forth in Price Schedule No. 40 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of builders' hardware or screen cloth prod-

ucts, alone or in conjunction with any other material, or by way or premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

[§ 1346.3 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

§ 1346.4 *Records and reports.* Every person, other than a retailer, whose total sales of builders' hardware and/or screen cloth products during any calendar month beginning with November 1941, shall exceed One Thousand Dollars shall have available for inspection by the Office of Price Administration for a period of not less than one year a complete and accurate record of every such sale, except retail sales, of such products, including the date of sale, the name of the purchaser, the price, and the grade, quality, and amount sold.

Every such person shall also, within thirty days of the effective date of Price Schedule No. 40, have available a record of his selling prices, except retail prices, for such products during the period from October 1, 1941, to October 15, 1941.

Every person affected by Price Schedule No. 40 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1346.4 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

§ 1346.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 40, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 40, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who conform with Price Schedule No. 40, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 40, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 40. Persons who have evidence of the receipt or demand of prices higher than the maximum prices, or of any evasion or efforts to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1346.6 *Modification of Price Schedule No. 40.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 40 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered

* Issued: 6 F.R. 5750, Amended: 7 F.R. 717.

unless filed by persons complying with Price Schedule No. 40.*

§ 1346.7 *Definitions.* When used in Price Schedule No. 40, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Retailer" means a person who maintains a store or similar establishment, where 75% of the dollar volume of sales of all products during the six months preceding the effective date of Price Schedule No. 40 consisted of sales without discount (except cash discount) from the said person's regular retail price.

(c) "Builders' hardware products" means any products listed in § 1346.7, Appendix A, suitable for use in a building, whether they are actually so used or not. "Screen cloth" means insect screen cloth of the types listed in § 1346.7, Appendix A.

(d) "Delivery" means the physical transfer of builders' hardware or screen cloth products to the purchaser, or to a carrier for carriage to the purchaser, pursuant to a sale.*

§ 1346.8 *Effective date of Price Schedule No. 40.* This Schedule (§§ 1346.1 to 1346.9, inclusive) shall become effective on November 19, 1941.*

§ 1346.9 *Appendix A: Products subject to Price Schedule No. 40:*

Knobs and handles. Knobs, handles, escutcheons, roses, key plates, push buttons, lever handles, drop and ring handles.

Locks. Upright rim knob locks, padlocks, rim knob locks, draw-back knob locks, horizontal rim knob locks, rim knob latches, cylinder rim night latches, cylinder rim dead locks, bathroom locks, sliding door locks, communication door locks, school house locks, asylum latches, french door latches, cylinder apartment locks, cylinder hotel locks, cylinder sliding door locks, cylinder mortise locks, hotel locks, key blanks:

For: outside doors, inside doors, hospital doors, screen doors, french doors, bathroom doors, lavatory doors, garage doors, sliding doors.

[Paragraph immediately above as corrected November 18, 1941, effective November 18, 1941; 6 F.R. 5851]

Hinges. Loose pin, ball bearing, frictionless, hinge plates, transom hinges, floor spring hinges, strap hinges, showcase hinges, screen door hinges, cabinet hinges, lavatory door strikes and keepers, spring hinges, T-hinges.

Miscellaneous door hardware. Door closers, door holders, door bumpers, door stays, square spring bolts, door pulls, door-bell plates and pushbuttons, door bolts, door checks (screen), door fasteners (chain), thumb latches, push and kick plates, panic bolts, exit bolts, door stops.

[Paragraph immediately above as amended January 15, 1942, effective January 15, 1942; 7 F.R. 313]

Window hardware. Window bolts, casement window bolts, casement window adjusters, casement window operators, french window bolts, blind hold backs, sash lifts, sash fasteners, pulleys, springs,

Screen hardware. Window screen brackets & corners, door screen brackets & corners, door screen catches, hooks (screen), springs (screen).

Miscellaneous. Letter box plates, number plates, name plates, house numbers, snap catches, closet locks, thumb latches, transom and sash pivots, transom chains, transom lifters, transom catches, spring window bolts.

[Paragraph immediately above as amended January 15, 1942, effective January 15, 1942; 7 F.R. 313]

Insect screen cloth. Commercial bronze, hand-drawn copper, koolshade fabric.*

[Paragraph immediately above as amended January 15, 1942, effective January 15, 1942; 7 F.R. 313]

Issued this 13th day of November 1941.*

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 41—STEEL CASTINGS

The production of steel castings plays a critical role in the whole defense program. Steel castings at reasonable prices are essential to the increased flow of machines, tanks, ships, airplanes, guns, and, indeed, every variety of military and naval supplies, from the assembly line to the front line of the nation's defense.

Since January 1, 1941, the prices of steel castings have advanced to a point where a further increase would create pressure to raise the prices of ordnance, transportation equipment, and machinery of every description and cause unwarranted risk to our enlarged defense program in terms of delay and useless expense.

After a thorough investigation of costs and other factors relevant to the production and sale of steel castings and after numerous conferences with representatives of all branches of the steel castings industry, it has been decided in the interest of national defense and the public welfare, to establish maximum prices for steel castings of every description whatever.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.100 *Maximum prices for steel castings and railroad specialties.* (a) On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment and, except as provided in subdivision (b) of this section: (1) no producer shall sell, offer to sell, or deliver steel castings of any description whatever, and no person shall buy, offer to buy, or accept delivery of such steel castings, at prices higher than the maximum, prices set forth in Appendix A hereof, incorporated herein as § 1306.112; (2) no producer shall sell, offer to sell, or deliver railroad specialties, and no person shall buy, offer to buy, or accept delivery of railroad specialties, at

* Issued: 6 F.R. 5765. Corrected: 6 F.R. 5851. Amended: 7 F.R. 313, 727.

prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1306.113.

(b) To the extent that a contract for the sale of steel castings or railroad specialties does not require that deliveries thereunder be made until six or more months after the date said contract was entered into, a producer may sell or offer to sell steel castings or railroad specialties at prices not in excess of the prices issued by the Office of Price Administration applicable and in effect at the time deliveries are made.*

[§ 1306.100 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

* §§ 1306.100 to 1306.114, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.101 *Less than maximum prices.* Lower prices than those set forth in § 1306.112, Appendix A, and § 1306.113, Appendix B, may be charged, paid, or offered.*

[§ 1306.101 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.102 *Castings produced on and after February 5, 1942, for which no price has been filed by the producer.* Any producer undertaking to make a steel casting, (1) which is part of an order totaling \$100 or more, and (2) for which steel castings, or a steel casting substantially similar in specification and design, no price has been filed by such producer pursuant to § 1306.104 of Price Schedule No. 41, shall file with the Office of Price Administration a request for approval of the proposed selling price for such steel casting on Form 141:4: *Provided*, That where the selling price is not higher than the price listed in the Comprehensive Report under the head of "Schedule Reference" for such steel casting, or for a steel casting substantially similar in design and specification, such producer shall not be required to request approval thereof. Copies of Form 141:4 may be obtained at the Office of Price Administration.*

[§ 1306.102 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.103 *Evasion.* The price limitations set forth in § 1306.100 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of steel castings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.104 *Filing of prices.* On or before December 1, 1941, every producer shall file with the Office of Price Administration the exact and complete price or prices, extras, terms, and conditions, classified by size and quantity, in accordance with which he sold or would have sold on July 15, 1941, steel castings subject to § 1306.112, Appendix A: *Provided*, That where such price or prices coincide with the "Comprehensive Report" the producer need only signify that such prices do coincide with those listed in said Comprehensive Report: *And, pro-*

vided further, That filing as above is not necessary with respect to obsolete steel castings.*

[§ 1306.104 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.105 *Records and reports.* Every person making purchases or sales of steel castings after November 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind purchased or sold, and (b) the quantity of steel castings (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 41 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1306.106 [Revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 41, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 41, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 41; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 41; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 41. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of steel castings, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.108 *Modification of Price Schedule No. 41.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 41 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 41. A list of persons to whom exceptions have been granted pursuant to this section appears in § 1306.114, Appendix C.

[§ 1306.108 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.109 *Definitions.* When used in Price Schedule No. 41, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Producer" means a person engaged in the production of steel castings or railroad specialties;

(c) "Steel castings" means any cast steel object that has been initially cast into the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totaling not more than 8%, and includes miscellaneous steel castings and steel castings produced for railroads other than the railroad specialties defined in subdivision (d) below;

(d) "Railroad specialties" means any or all side frames, bolsters, yokes and couplers of the types and sizes listed in § 1306.113, Appendix B hereto;

(e) "Comprehensive Report" means the "Comprehensive Report of Price Lists of Miscellaneous Castings," published by the Steel Founders' Society of America, for the third quarter of 1941, beginning July 1, 1941.

(f) "Base territory" means the States of New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, and Michigan (southern peninsula only) and also including Bettendorf, Iowa, and St. Charles and St. Louis, Missouri.

[§ 1306.109 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.110 *Effective date of Price Schedule No. 41.* This Schedule (§§ 1306.100 to 1306.110, inclusive) shall become effective November 15, 1941.*

§ 1306.111 *Geographical application.* The provisions of Price Schedule No. 41 shall apply only to sales, offers to sell, or deliveries of steel castings and railroad specialties moving within, into, or out of one of the 48 states or the District of Columbia.*

[§ 1306.111 added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.112 *Appendix A—(a) Maximum prices for steel castings made by a producer on or before July 15, 1941.* The maximum prices of a producer for steel castings made by such producer on or before July 15, 1941, or for steel castings

substantially similar in design and specification to any steel castings made by such producer on or before July 15, 1941, shall be the prices, together with the extras, terms, and conditions, which were or would have been charged by such producer on July 15, 1941, and which are filed with the Office of Price Administration in accordance with § 1306.104.

(b) *Maximum prices for other steel castings.* The maximum price of a producer for a steel casting of any description whatever made by such producer on or after February 5, 1942, and for which steel casting, or a steel casting substantially similar in design and specification, such producer has not filed a price with the Office of Price Administration, in accordance with § 1306.104, (1) shall be the price, together with the extras, terms and conditions, listed in the Comprehensive Report under the head of "Schedule Reference" for steel castings of the same design and specification, or substantially similar design and specification, or (2), if substantially different in design or specification from any steel casting listed in the Comprehensive Report, shall be the price for such producer which is approved in writing by the Office of Price Administration within six days after Form 141:4 for such steel casting is received by the Office of Price Administration pursuant to § 1306.102 of Price Schedule No. 41: *Provided*, That if said selling price is neither approved or disapproved within six days from the date of receipt of Form 141:4 by the Office of Price Administration, the proposed selling price shall be deemed approved for such producer.*

[§ 1306.112 added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 751. Paragraph (b) as amended February 9, effective February 9, 1942, 7 F.R. 930]

§ 1306.113 *Appendix B: Maximum prices for railroad specialties.* The maximum prices, including extras, for railroad specialties delivered to the purchaser in base territory shall be as set forth hereinafter. The maximum prices for railroad specialties, including extras, delivered outside of base territory shall be as hereinafter set forth: *Provided*, That there may be added to such prices charges for freight at rates prevailing at time of delivery with the customary differential allowed to the purchaser, computed by methods used by the producer on October 1, 1941.

TABLE I—Side frames

(1) Furnished in Grade "B" Steel.

ANDREWS FRAMES

Size of journal -	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 99 pieces	200 to 999 pieces	400 or more pieces
4 1/4" x 8"-----	375#	\$34.95 ea.	\$33.00 ea.	\$32.05 ea.	\$31.10 ea.	\$30.15 ea.	\$27.10 ea.
5" x 9"-----	435	37.50 ea.	35.45 ea.	34.45 ea.	33.20 ea.	32.20 ea.	29.00 ea.
5 1/2" x 10"-----	500	41.35 ea.	38.95 ea.	37.85 ea.	36.55 ea.	35.10 ea.	31.60 ea.
6" x 11"-----	630	51.50 ea.	48.90 ea.	47.30 ea.	45.55 ea.	43.95 ea.	39.45 ea.
6 1/2" x 12"-----	700	58.05 ea.	54.85 ea.	52.90 ea.	51.00 ea.	49.20 ea.	44.25 ea.

PEDESTAL FRAMES

Size of journal -	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 99 pieces	200 to 999 pieces	400 or more pieces
4 1/4" x 8"-----	410#	\$36.55 ea.	\$34.65 ea.	\$33.65 ea.	\$32.70 ea.	\$31.75 ea.	\$28.70 ea.
5" x 9"-----	470	39.60 ea.	37.50 ea.	36.55 ea.	35.25 ea.	34.20 ea.	31.10 ea.
5 1/2" x 10"-----	540	43.75 ea.	41.35 ea.	40.25 ea.	38.95 ea.	37.60 ea.	34.00 ea.
6" x 11"-----	690	54.65 ea.	51.80 ea.	50.20 ea.	48.25 ea.	46.80 ea.	42.30 ea.
6 1/2" x 12"-----	810	64.15 ea.	60.90 ea.	59.00 ea.	56.75 ea.	55.00 ea.	49.70 ea.

TABLE I—Side frames—Continued

INTEGRAL BOX FRAMES

Arranged to take A. A. R. Flat Spring Malleable Iron Lids or Pressed Steel Lids, but not including the furnishing or application of such lids

Size of Journal	475#	\$45.05 ea.	\$42.05 ea.	\$41.50 ea.	\$40.40 ea.	\$30.10 ea.	\$35.00 ea.
4 1/4" x 8"	530	48.75 ea.	46.15 ea.	44.90 ea.	43.00 ea.	42.10 ea.	38.30 ea.
6" x 9"	610	53.70 ea.	50.80 ea.	49.20 ea.	47.70 ea.	46.30 ea.	42.50 ea.
6 1/2" x 10"	700	62.25 ea.	59.10 ea.	57.00 ea.	55.50 ea.	54.00 ea.	50.20 ea.
6 3/4" x 11"	800	70.05 ea.	66.65 ea.	64.20 ea.	62.50 ea.	60.80 ea.	57.00 ea.
6 1/2" x 12"							

TENDERS

Size of Journal	Integral box frames	Androws frames	Pedestal frames	Integral box frames
4 1/4" x 8" and 6" x 9" Journals				
6 1/2" x 10" Journals				
6 3/4" x 11" Journals				
6 1/2" x 12" Journals				

ELSEY INTEGRAL BOX FRAMES

Size of Journal	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4 1/4" x 8"						
6" x 9"	\$89.20 ea.	\$84.10 ea.	\$81.35 ea.	\$79.00 ea.	\$76.65 ea.	\$69.00 ea.
6 1/2" x 10"	\$5.40 ea.	\$6.00 ea.	\$6.30 ea.	\$6.60 ea.	\$6.90 ea.	\$7.40 ea.

FULL CUSHION PEDESTAL TYPE FRAMES

Prices include the furnishing and application of pedestal and spring bar wear plates

Size of Journal	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4 1/4" x 8"						
6" x 9"	\$57.15 ea.	\$51.60 ea.	\$49.60 ea.	\$48.05 ea.	\$46.50 ea.	\$43.15 ea.
6 1/2" x 10"	\$6.70 ea.	\$7.25 ea.	\$7.60 ea.	\$7.90 ea.	\$8.20 ea.	\$8.50 ea.

STABILIZED PEDESTAL TYPE FRAMES

Size of Journal	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4 1/4" x 8"						
6" x 9"	\$70.70	\$72.65 ea.	\$74.40 ea.	\$76.70	\$78.70 ea.	\$82.40 ea.

(2) Furnished in "High Tensile" Steel

INTEGRAL BOX FRAMES

Arranged to take A. A. R. flat spring malleable iron lids or pressed steel lids, but not including the furnishing or application of such lids

Size of Journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4 1/4" x 8"							
6" x 9"	410#	\$50.00 ea.	\$47.00 ea.	\$46.00 ea.	\$45.35 ea.	\$43.00 ea.	\$39.05 ea.
6 1/2" x 10"	450	61.70 ea.	58.80 ea.	57.40 ea.	56.30 ea.	54.80 ea.	50.80 ea.
6 3/4" x 11"	510	69.30 ea.	66.00 ea.	64.20 ea.	62.80 ea.	61.00 ea.	56.80 ea.
6 1/2" x 12"	600	73.25 ea.	69.50 ea.	67.60 ea.	66.00 ea.	64.00 ea.	60.10 ea.

TABLE II—Bolsters

(1) Furnished in Grade "B" Steel

ELSEY TRUCK BOLSTERS

Size of Journal	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
6 1/2" x 10"					
6 3/4" x 11"	\$78.80 ea.	\$73.05 ea.	\$71.35 ea.	\$69.50 ea.	\$65.00 ea.
6 1/2" x 12"	100.05 ea.	102.05 ea.	100.16 ea.	97.35 ea.	91.00 ea.

BARRETT WHITEHEAD TRUCK BOLSTERS

Size of Journal	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
6 1/2" x 10"					
6 3/4" x 11"	\$90.15 ea.	\$84.00 ea.	\$81.00 ea.	\$78.05 ea.	\$73.00 ea.
6 1/2" x 12"	105.05 ea.	107.20 ea.	112.05 ea.	105.35 ea.	98.20 ea.

FULL CUSHION TRUCK BOLSTERS

Size of Journal	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
6" x 9"					
6 1/2" x 10"	\$70.30 ea.	\$65.05 ea.	\$63.00 ea.	\$60.25 ea.	\$52.55 ea.
6 3/4" x 11"	70.00 ea.	73.70 ea.	70.80 ea.	68.50 ea.	63.50 ea.

STABILIZED TRUCK BOLSTERS

Size of Journal	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
6 1/2" x 10"					
6 3/4" x 11"	\$77.60 ea.	\$72.50 ea.	\$70.20 ea.	\$65.40 ea.	\$58.00 ea.

TRUCK BOLSTERS

Size of Journal	Normal weight	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
4 1/4" x 8"						
6" x 9"	620#	\$53.55 ea.	\$53.10 ea.	\$53.45 ea.	\$50.00 ea.	\$44.00 ea.
6 1/2" x 10"	745	65.05 ea.	60.90 ea.	59.10 ea.	55.10 ea.	48.05 ea.
6 3/4" x 11"	815	70.30 ea.	65.95 ea.	63.60 ea.	59.25 ea.	52.55 ea.
6 1/2" x 12"	1,080	84.00 ea.	78.85 ea.	74.70 ea.	69.50 ea.	63.25 ea.
6 3/4" x 12"	1,200	101.85 ea.	94.50 ea.	90.50 ea.	83.90 ea.	76.10 ea.

BODY BOLSTERS

Class	Weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
A	Up to 550 lbs.					
B	551 to 650 lbs.	\$52.00 ea.	\$50.20 ea.	\$49.05 ea.	\$45.85 ea.	\$41.50 ea.
C	651 to 750 lbs.	58.00 ea.	54.75 ea.	53.10 ea.	50.00 ea.	45.15 ea.
D	751 to 850 lbs.	67.00 ea.	63.00 ea.	62.00 ea.	58.30 ea.	53.55 ea.
E	851 to 950 lbs.	77.40 ea.	73.05 ea.	70.85 ea.	67.00 ea.	62.15 ea.
F	951 to 1050 lbs.	87.80 ea.	82.30 ea.	79.75 ea.	74.80 ea.	69.00 ea.
G	1051 to 1150 lbs.	98.60 ea.	91.35 ea.	88.65 ea.	83.35 ea.	75.50 ea.
		108.40 ea.	100.40 ea.	97.20 ea.	91.70 ea.	82.85 ea.

TENDERS—TRUCK BOLSTERS

All capacities..... \$3.70 per 100 lbs.

The above prices cover cast steel body and truck bolsters with center plates and side bearings cast integral, or arranged for but not including the application of separable center plates or side bearings.

TABLE II—Bolsters—Continued
(2) Furnished in High Tensile Steel

TRUCK BOLSTERS

[The prices shown below cover cast steel truck bolsters with center plates and side bearings cast integral, or arranged for application of separable center plates or side bearings]

Size of Journal	Normal weight	1 to 10 pieces	11 to 40 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
4½" x 8"	545#	\$65.00 ea.	\$61.75 ea.	\$59.00 ea.	\$56.05 ea.	\$49.85 ea.
5½" x 8"	576#	72.90 ea.	68.25 ea.	66.20 ea.	61.75 ea.	54.85 ea.
5½" x 10"	600#	78.90 ea.	73.95 ea.	71.30 ea.	66.40 ea.	58.00 ea.
6" x 11"	750#	98.00 ea.	83.90 ea.	84.85 ea.	78.35 ea.	70.00 ea.
6½" x 12"	900#	114.15 ea.	100.25 ea.	101.75 ea.	94.05 ea.	85.30 ea.

TABLE III—Couplers

(1) Furnished in Grade "B" Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 12" heads, with shanks not more than 2¼" long, fitted with 11" knuckles:	
9 in. x 7 in. shanks, with 0¼ in. butt ends.....	\$55.75 per pair.
9 in. x 7 in. shanks, with 0¼ in. butt ends.....	\$57.05 per pair.
9 in. x 8 in. shanks, with 0¼ in. butt ends.....	\$60.50 per pair.
9 in. x 8 in. shanks, without butts, pins and cotters.....	\$60.50 per pair.
Locomotive or Special Tender designs with shanks not over 2¼ in. long.....	\$34.25 each.
Other special tender designs with unusual style shanks not over 2¼ in. long.....	\$34.25 each.
Passenger Coupler designs.....	\$34.25 each.
A. A. R. Alternate Standard Swivel Butts, complete with pins, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 100 or more.....	\$17.50 per pair.
In lots of 100 to 199 pcs. incl.....	\$16.00 per pair.
In lots of 100 to 199 pcs. incl.....	\$16.00 per pair.
A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 100 or more.....	\$37.00 per pair.
In lots of 100 to 199 pcs. incl.....	\$36.40 per pair.
In lots of 100 to 199 pcs. incl.....	\$34.00 per pair.

FORMER M. O. B. COUPLERS

M. O. B. top operating freight, locomotive, or special tender couplers, 9¼ in. head, with shanks not over 2¼ in. long fitted with 9 in. or 11 in. knuckles.....	\$25.50 each.
M. O. B. top, side, or bottom operating passenger couplers, not over 48 in. long from pulling face of knuckle to butt end, fitted with 9 in. knuckles, but not including the furnishing or application of wrought iron or steel straps, or separate wearing plates.....	\$30.00 each.
Coupler Pockets complete, for use with locomotive coupler designs.....	\$100 per lb.

SPECIAL M. O. B. COUPLERS NOS. 1 AND 2 COMPLETE COUPLERS

Special M. O. B. No. 1 Top Operating Couplers with shanks not over 2¼ in. long and fitted with 9" knuckles:	Price each
5 x 6" shanks, 6½" butt ends.....	\$25.50
5 x 7" shanks, 6½" butt ends.....	25.50
Engine, Short Shanks.....	25.50
Special M. O. B. No. 2 Top Operating Couplers, with shanks not over 2¼ in. long and fitted with 9" knuckles:	
5 x 6" shanks, 6½" butt ends.....	24.00
5 x 7" shanks, 6½" butt ends.....	24.00
Engine, Short Shanks.....	24.00

If Rotary or Side Operating Couplers are required add \$1.00 each.
If Couplers having ¼" side walls are furnished add \$0.50 each.

TABLE III—Couplers—Continued

SPECIAL DESIGNS

A. A. R. Type "E" COUPLER REPAIR PARTS	Description	Price each
Special M. C. B. No. 2 Coupler.....	Knuckle 11" face.....	\$26.50
Special M. C. B. No. 2 Coupler.....	Knuckle Lock.....	1.65
Special M. C. B. No. 2 Coupler.....	Knuckle Thrower.....	32.50
Special M. C. B. No. 2 Coupler.....	Top Lock Lifter Hole Cap.....	32.50
Special M. C. B. No. 2 Coupler.....	Top Lock Lifter Hole Cap.....	25.50
Special M. C. B. No. 2 Coupler.....	Top Lock Lifter Hole Cap.....	28.50
Special M. C. B. No. 2 Top Operating Unit.....	Rotary Lock Lift Assembly, Single.....	.95
Special M. C. B. No. 2 Top Operating Unit.....	Rotary Lock Lift Assembly, Double.....	.85
Special M. C. B. No. 2 Top Operating Unit.....	Rotary Lock Lift Assembly, Pass. Type.....	.95
Special M. C. B. No. 2 Top Operating Unit.....	Rotary Lock Lift Assembly, Pass. Type.....	.75

A. A. R. Type "D" COUPLER REPAIR PARTS

Knuckle 11" face (Type "E").....	\$0.70
Knuckle Lock.....	1.60
Knuckle Thrower.....	.70
Top Lock Lifter.....	.45
Bottom Lock Lift Toggle.....	.20
Bottom Lock Lift Lever.....	.50
Bottom Lock Lift Rivet.....	.05
Bottom Lock Lift Assembly.....	.70
Top Lock Lifter Hole Cap.....	.07
Single Rotor.....	.35
Double Rotor.....	.35
Rotary Lock Lifter Arm.....	.23
Rotary Lock Lifter Toggle.....	.17

M. O. B. COUPLER REPAIR PARTS

Knuckle 9" face.....	\$4.70
Knuckle 11" face.....	4.05
Lock, Top or Side Lift.....	1.05
Top Lifter.....	1.40
Side Lift Knuckle Opener.....	1.05
Side Lift Lever.....	2.00

MISCELLANEOUS REPAIR PARTS

Swivel Butt.....	\$3.10
Swivel Butt Pin.....	1.80
Swivel Butt Pin Retaining Cotter.....	0.15
Clevis with Pin.....	0.30
Link for M. C. B. Chain.....	0.15
M. C. B. Chain, complete.....	0.70

INCOMPLETE TYPE "E" AND MOB COUPLER

Special M. C. B. No. 2 Top Operating Unit.....	\$23.30
Special M. C. B. No. 2 Top Operating Unit.....	20.30
Special M. C. B. No. 2 Top Operating Unit.....	20.80
Special M. C. B. No. 2 Top Operating Unit.....	30.50

TYPE "E"

A. A. R. Standard Type "E" Coupler.....	\$42.45 per pair.
Bodies Only, Without fittings.....	43.75 per pair.
5 x 7 x 6½".....	47.20 per pair.
6¼ x 8 x 6½" Rigid Shank.....	47.20 per pair.
6¼ x 8 x 6½" Swivel Shank.....	27.60 each.
Locomotive, Short Shank.....	

For determining prices of various other combinations of incomplete Type "E" Couplers, the following amounts for missing parts should be deducted.

Type "E" freight couplers.....	Type "E" locomotive couplers.....
Less Knuckles.....	Deduct.....
Less Lifters.....	Deduct.....
Less Knuckle Throwers.....	Deduct.....
Less Locks.....	Deduct.....
Less Knuckle Pins.....	Deduct.....

MOB

MOB Coupler Bodies Only, without fittings:	
5 x 6 x 6½".....	\$20.50 each
5 x 7 x 6½".....	20.00 each

For determining prices of various other combinations of incomplete MOB Couplers, the following amounts for missing parts should be deducted.

Less Knuckles.....	Deduct.....
Less Lifters.....	Deduct.....
Less Locks.....	Deduct.....
Less Knuckle Pins.....	Deduct.....

MOB couplers..... \$3.05 each

TABLE III—Couplers—Continued

FRACTIONAL SIZE COUPLERS AND REPAIR PARTS

1/2 Size Top Operating Freight or Tender Couplers without uncoupling chains, Price.....	\$19.50 each.
1/2 Size Bottom or Side Operating Freight or Tender Couplers, without uncoupling chains, Price.....	21.00 each.
1/2 Size Top, Side, or Bottom Operating Passenger Couplers, without uncoupling chains, Price.....	23.25 each.
1/2 Size Coupler Pockets, Price.....	\$.15 per lb.
1/2 Size Knuckles (8" face).....	\$4.25 each
1/2 Size Lifters.....	1.40 each
1/2 Size Locks.....	Type "A" 1.65 each—Type "S" \$.60 each.
1/2 Size Knuckle Pins.....	.50 each
1/2 Size Side Operating Levers.....	2.50 each
1/2 Size Knuckle Openers.....	Type "A" .55 each—Type "S" .50 each.
1/2 Size Bottom Lifters.....	.75 each
1/2 Size Top Operating Freight or Tender Couplers, without uncoupling chains, Price.....	\$13.00 each.
1/2 Size Coupler Pockets, Price.....	.205 per lb.
1/2 Size Knuckles (5 1/2" face).....	\$3.75 each
1/2 Size Lifters.....	Type "A" .45 each—Type "S" \$1.05 each.
1/2 Size Locks.....	Type "A" 1.50 each—Type "S" .50 each.
1/2 Size Knuckle Pins.....	.50 each
1/2 Size Knuckle Opener.....	.55 each

(2) Furnished in High Tensile Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 12" heads with shanks not more than 2 1/4" long, fitted with 11" knuckles:	
6 1/2" x 8" shanks with 6 1/2" butt ends.....	\$57.25 per pr.
6 1/2" x 8" swiveling shanks, without butts, pins, and cotters.....	\$57.25 per pr.
A. A. R. Alternate Standard Swivel Butts, complete with pins, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl.....	\$19.65 per pr.
In lots of 100 to 199 pcs. incl.....	\$18.40 per pr.
In lots of 200 pieces or more.....	\$17.15 per pr.
A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl.....	\$42.15 per pr.
In lots of 100 to 199 pcs. incl.....	\$40.25 per pr.
In lots of 200 pieces or more.....	\$38.40 per pr.
A. A. R. STANDARD Tight Lock Coupler Complete—T-50.....	\$111.25 each.
A. A. R. STANDARD Tight Lock Coupler Yoke, Y-50, complete with Radial connection, Radial seat and pins.....	\$112.50 each.
Type "E" Controlled Slack Coupler, Complete:	
C. S. C.—1.....	\$62.50 each.
C. S. C.—2.....	\$72.50 each.
C. S. C.—3.....	\$94.00 each.
C. S. C.—4.....	\$71.05 each.
C. S. C.—5.....	\$78.65 each.

TABLE IV—Yokes

(1) Furnished in grade "B" Steel

CAST STEEL DRAFT YOKES FOR FREIGHT CARS, LOCOMOTIVE TENDERS, AND PASSENGER EQUIPMENT

	1-99 pieces	100-199 pieces	200 pieces or more
Schedule A—Covering Standard and Conventional Yokes of A. A. R. Grade "B" Steel, Horizontal key type for Freight cars and Locomotive tenders, providing:			
Friction Draft Gear Pocket, 9 1/4" x 24 1/2" for use with 6" x 1 1/2" key, and standard 6" x 8" "D" and 6 1/4" x 8" "E" Couplers, and meeting A. A. R. test requirements.....	(Per pr.) \$32.20	(Per pr.) \$24.70	(Per pr.) \$24.00
Friction Draft Gear Pocket, 9 1/4" x 24 1/2" for use with 6" x 1 1/2" key, and 5" x 7" couplers (or 5" x 5").....	23.80	27.60	24.10
Tandem Spring Draft Gear Pockets, with 8 1/2" of 8 1/4" between straps x 11", for use with 6" x 1 1/2" key or 5" x 1 1/2" key.....	32.00	30.30	28.20
Friction Draft Gear Pocket, 9 1/4" x 18 1/2", for use with 6" x 1 1/2" key, and standard 6" x 8" "D" and 6 1/4" x 8" "E" Couplers and meeting A. A. R. test requirements.....	23.80	27.60	24.10
Friction Draft Gear Pocket, 9 1/4" x 18 1/2", for use with 5" x 1 1/2" key and 5" x 7" couplers (or 5" x 5").....	23.60	24.60	21.40
Schedule "B"—Covering Non-Standard Vertical Key Type Freight Car Yokes of A. A. R. Grade "B" Steel including Vertical Keys and Retainers complete or Keyless Type including locking castings, binders or other retainers complete, providing—			
Friction Draft Gear Pocket, 9 1/4" x 24 1/2", having 5" x 1" straps and designed with or without ties for any size coupler butt.....	32.70	30.70	27.30
Friction Draft Gear Pocket, 9 1/4" x 18 1/2", having 5" x 1" straps and designed with or without ties for any size coupler butt.....	29.10	28.30	25.50
Tandem Spring Draft Gear Pockets, 10 3/4" to 11 1/4" long separated by 5" to 5 1/2" filler blocks, having 5" x 1" straps and designed with or without ties for any size coupler butt.....	30.00	33.80	30.10
Schedule C—Covering all other Freight Car Yokes of A. A. R. Grade "B" Steel, Horizontal Key Type; Vertical Key Type; with retainers but without Keys; or Keyless Type of Yoke without locking Castings, binders, or other retainers.....	(Per lb.) 9.10¢	(Per lb.) 8.45¢	(Per lb.) 7.35¢
NOTE: For Vertical Keys, not exceeding 25 lbs. each for use with vertical key yokes, or for locking castings, binders, or other retainers for use with Keyless type of Yokes, add to prices on Schedule C—\$4.00 per Pair.			
Schedule "D"—Covering all other Tender Yokes of A. A. R. Grade "B" Steel.....	10.50¢	9.10¢	8.40¢
Schedule "E"—Covering Yokes of A. A. R. Grade "B" Steel for Passenger Equipment.....	10.50¢	9.10¢	8.40¢

(2) Furnished in High Tensile Steel

	(Per pr.)	(Per pr.)	(Per pr.)
Schedule "F"—Covering Standard and Conventional Light Weight Yokes of High Tensile Steel. Horizontal Key Type for Freight Cars and Locomotive Tenders providing Friction Draft Gear Pocket 9 1/4" x 24 1/2", for use with 6" x 1 1/2" key and standard 6" x 8" "D" and 6 1/4" x 8" "E" Couplers, and meeting A. A. R. test requirements for high tensile steel.....	\$34.90	\$32.00	\$27.00

§ 1306.114 Appendix C: Exceptions. The following persons have been granted an exception under § 1306.108 of Price Schedule No. 41.

Utility Electric Steel Foundry, 3334 East Slausen Avenue, Vernon, California, by letter dated December 10, 1941;

Oklahoma Steel Castings Co., Tulsa, Okla., by letter dated December 18, 1941; Duncan Foundry & Machine Works, Inc., Alton, Ill., by letter dated December 23, 1941;

Gunite Foundries Corporation, Rockford, Ill., by letter dated January 8, 1942.

All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such person pursuant to such application. Persons interested may secure the terms of an exception on application to the Office of Price Administration.*

[§ 1306.114 added by amendment February 2, 1942, effective February 3, 1942; 7 P.R. 751]

Issued this 14th day of November 1941.¹

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 42—PARAFFIN WAX

As a direct consequence of expanded economic activity induced by the national defense program, the demand for paraffin wax has increased greatly in the past few months. Paraffin wax is used as a coating on paper cartons for dairy products and in the manufacture of waxed and water-proofed papers, electrical insulation compositions, candles and many other important products. It is also used for such defense purposes as a coating on cartridges and a water-proofing agent for explosives.

Increased demand and speculative tendencies have caused the price of crude scale paraffin wax to rise above the price of refined paraffin wax of comparable melting points. The price of crude scale paraffin wax (122/124 A. M. P.) has increased in recent months from 2.8¢ to 6.25¢ per pound. During the year 1940, the price of such paraffin wax averaged 3.86¢ per pound.

After conferences with members of the paraffin wax industry and representatives of other government agencies, the Office of Price Administration has found that there are no justifiable reasons for prices of crude scale paraffin wax (122/124 A. M. P.) and refined paraffin wax (123/125 A. M. P.) in excess of 4.25¢ per pound and 5.20¢ per pound, respectively. Increases in such prices at this time would, therefore, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.451 Maximum prices for paraffin wax. On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer paraffin wax in quan-

* [§ 1306.113 added by amendment February 2, 1942, effective February 3, 1942 (7 P.R. 751): corrected; 7 P.R. 1009, February 14, 1942]

¹Issued: 6 P.R. 5809. Amended: 7 P.R. 751, 930. Corrected: 7 P.R. 1009.

titles of 1,000 pounds or more, and no person shall buy, offer to buy or accept delivery of paraffin wax in quantities of 1,000 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.460.*

*§§ 1335.451 to 1335.460, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.452 *Less than maximum prices.* Lower prices than those set forth in § 1335.460, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.453 *Evasion.* The price limitations set forth in Price Schedule No. 42 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of paraffin wax, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of paraffin wax, or otherwise.*

§ 1335.454 *Records and reports.* Every person making purchases or sales of paraffin wax in quantities of 1,000 pounds or more after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the paraffin wax purchased or sold.*

§ 1335.455 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold paraffin wax in quantities of 1,000 pounds or more whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 142:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 42 or with any exception therefrom or modification thereof. Copies of Form 142:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.456 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of Price Schedule No. 42, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 42, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal,

are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 42, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 42. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of paraffin wax, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.457 *Modification of Price Schedule No. 42.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 42 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 42.*

§ 1335.458 *Definitions.* When used in Price Schedule No. 42, the term:

(a) "Person" means, an individual, partnership, corporation, association or other business entity;

(b) "Paraffin wax" means crude scale, semi-refined and fully refined paraffin wax of the grades listed in § 1335.460, Appendix A hereof, except slabs or cakes of paraffin wax weighing two pounds or less;

(c) "Seller's shipping point" means refinery or other point of distribution maintained by a refiner or seller.

[§ 1335.458 as amended January 28, 1942, effective January 30, 1942; 7 F.R. 584]

§ 1335.459 *Effective date of Price Schedule No. 42.* This Schedule (§§ 1335.451 to 1335.460, inclusive) shall become effective December 1, 1941.*

§ 1335.460 *Appendix A: Maximum prices for paraffin wax—(a) Quantities of 10,000 pounds or more.* The following maximum prices f. o. b. refinery, are established for crude scale, semi-refined and fully refined paraffin wax shipped from a refinery in quantities of 10,000 pounds or more:

(1) *Crude scale and semi-refined*

[Prices per pound]

	Slack barrels or 100 kilo bags		50 kilo bags		Tank cars
	Solid	Slabbed	Solid	Slabbed	
122/124 A. M. P.	\$.0425	\$.0445	\$.0435	\$.0455	\$.0395
124/126 A. M. P.	\$.0425	\$.0445	\$.0435	\$.0455	\$.0395
126/128 A. M. P.	\$.0450	\$.0470	\$.0460	\$.0480	\$.0420
128/130 A. M. P.	\$.0475	\$.0495	\$.0485	\$.0505	\$.0445
130/132 A. M. P.	\$.0500	\$.0520	\$.0510	\$.0530	\$.0470
132/134 A. M. P.	\$.0525	\$.0545	\$.0535	\$.0555	\$.0495
134/136 A. M. P. or higher	\$.0550	\$.0570	\$.0560	\$.0580	\$.0520

(2) *Fully refined*

[Prices per pound]

	Slabs loose	Bags	Tank cars
120/122 A. M. P.	\$.050	\$.054	\$.0495
123/125 A. M. P.	\$.052	\$.056	\$.0515
125/127 A. M. P.	\$.052	\$.056	\$.0515
128/130 A. M. P.	\$.056	\$.060	\$.0555
130/132 A. M. P.	\$.0585	\$.0625	\$.0580
131/133 A. M. P.	\$.0595	\$.0635	\$.0590
133/135 A. M. P.	\$.0615	\$.0655	\$.0610
135/137 A. M. P.	\$.064	\$.068	\$.0635
139/140 A. M. P.	\$.0715	\$.0755	\$.0710
141/143 A. M. P.	\$.0765	\$.0805	\$.0760
143/145 A. M. P.	\$.0810	\$.0850	\$.0805
146/148 A. M. P.	\$.0930	\$.0970	\$.0925
149/151 A. M. P.	\$.1050	\$.1090	\$.1045

In the case of a shipment of crude scale, semi-refined or fully refined paraffin wax from a seller's shipping point other than a refinery, the maximum prices are the prices listed above, plus the actual transportation charges from the refinery at which such wax was last processed to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(b) *Quantities of less than 10,000 pounds.* The maximum prices for crude scale, semi-refined and fully refined paraffin wax, in quantities of 1,000 pounds or more but less than 10,000 pounds, are the prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus \$0.015 per pound, delivered.

(c) *Imported paraffin wax—(1) Quantities of 10,000 pounds or more.* The maximum prices for import shipments of crude scale, semi-refined or fully refined paraffin wax and for domestic shipments of such imported wax from a seller's shipping point located in the port of entry, in quantities of 10,000 pounds or more, are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. o. b. port of entry. In the case of domestic shipments from a seller's shipping point not located in the port of entry, the maximum prices are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus the actual transportation charges from the port of entry to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(2) *Quantities of less than 10,000 pounds.* The maximum prices for import shipments of crude scale, semi-refined or fully refined paraffin wax, and for domestic shipments of such imported wax, in quantities of 1,000 pounds or more, but less than 10,000 pounds, are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus \$0.015 per pound, delivered.

(d) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of crude scale, semi-refined and fully refined paraffin wax to persons in foreign countries and for sales of such wax from any state

or the District of Columbia to persons in the territories or possessions of the United States:

(1) *Quantities of 10,000 pounds or more.* (i) The maximum prices for shipments by vessel are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus the actual transportation charges from the refinery at which such wax was last processed to alongside vessel at the port of shipment, f. a. s. vessel at the port of shipment, plus \$.0040 per pound of paraffin wax. Such transportation charges shall be shown as separate items on all records and invoices.

(ii) The maximum prices for overland shipments to Canada and Mexico are the maximum prices established by paragraph (a) above, plus \$.0025 per pound of paraffin wax.

(2) *Quantities of less than 10,000 pounds.* (i) The maximum prices for shipments by vessel are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. a. s. vessel at the port of shipment, plus \$.0190 per pound of paraffin wax.

(ii) The maximum prices for overland shipments to Canada and Mexico are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. o. b. seller's shipping point, plus transportation charges over standard routes from seller's shipping point to destination, less transportation charges from seller's shipping point to the station on the boundary between the United States and Canada or Mexico, whichever the case may be, plus \$.0175 per pound of paraffin wax. In the event there is no station on the boundary, transportation charges from the seller's shipping point to that station in the United States which is closest to the boundary shall be subtracted.

(3) *Imported paraffin wax.* The maximum prices for shipments by vessel, and for overland shipments to Canada and Mexico, are the maximum prices established by subparagraphs (1) and (2) of this paragraph (d), except that, in place of the actual transportation charges provided by subdivision (i) of subparagraph (1) of this paragraph (d), actual transportation charges from the port of entry to alongside vessel at the port of shipment may be added.

(4) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance and (iii) foreign agents' commission unless the foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use. Nothing contained in this subparagraph (4) in any way modifies or affects the transportation charges for overland shipments.

(e) *Other containers.* (1) The maximum prices for crude scale and semi-refined paraffin wax in containers other than those specified in paragraph (a) above are the applicable maximum prices established above for such wax in slack

barrels or 100 kilo bags, except that a reasonable charge may be added for additional costs, if any, of the containers. Such additional charges shall be shown as separate items on all such records and invoices.

(2) The maximum prices for fully refined paraffin wax in containers other than those specified in paragraph (a) above are the applicable maximum prices established above for such wax in slabs loose, except that a reasonable charge may be added for additional costs, if any, of the containers. Such additional charges shall be shown as separate items on all records and invoices.*

[§ 1335.460 as amended January 28, 1942, effective January 30, 1942; 7 F.R. 584]

Issued this 21st day of November 1941.¹

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 43—USED STEEL BARRELS OR DRUMS

Used steel barrels or drums play a vital role in the distribution of petroleum and its derivatives, chemicals, and foods. To prevent excessive and unwarranted price increases in the petroleum, chemical, and food industries the establishment of ceiling prices for used steel barrels is absolutely essential. The present spiraling of such prices, unless controlled effectively, is certain to have an adverse effect on the national defense and the public welfare completely out of proportion to the intrinsic value of the used barrels or drums.

It has been determined, consequently, after complete investigation and after numerous conferences with representatives of the industry, to establish maximum prices for used steel barrels or drums as a necessary protection of the public welfare and the national defense.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.201 *Maximum prices for used steel barrels or drums.* On and after December 1, 1941, regard of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver or transfer, used steel barrels or drums, and no person shall buy, offer to buy, or accept delivery of used steel barrels or drums at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.210.*

[§ 1306.201 as amended January 30, 1942, effective February 2, 1942; 7 F.R. 618]

*§§ 1306.201 to 1306.212, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.202 *Less than maximum prices.* Lower prices than those set forth in § 1306.210, Appendix A, may be charged, demanded, paid or offered.*

§ 1306.203 *Evasion.* The price limitation set forth in Price Schedule No. 43

¹Issued: 6 F.R. 5962. Amended: 7 F.R. 584.

shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of a used steel barrel or drum, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

[§ 1306.204 Revoked by amendment January 30, 1942, effective February 2, 1942; 7 F.R. 618]

§ 1306.205 *Records and reports.* Every person making purchases or sales of used steel barrels or drums after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of used steel barrels or drums (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 43 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1306.206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 43, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 43 the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 43; (c) that full advantage will be taken of the co-operation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 43 and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 43. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of used steel barrels or drums, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.207 *Modification of Price Schedule No. 43.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 43 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 43.*

§ 1306.208 *Definitions.* When used in Price Schedule No. 43, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "User" means a person who uses a drum as a container for the shipment or storage of goods;

(c) "Drum" means a steel barrel or drum of a capacity of 14 to 16 gallons, inclusive, or 29 to 33 gallons, inclusive, or 50 to 58 gallons, inclusive;

(d) "Raw used drum" means a drum which has been emptied but which is not a reconditioned drum;

(e) "Reconditioned drum" means a raw used drum which has been both washed and painted, and also subjected to any and all other process or processes necessary to make the raw used drum fit for reuse as a container, *except that*, in the case of a raw used drum, which is galvanized, painting is not necessary to constitute such galvanized drum a "reconditioned drum" within the meaning of Price Schedule No. 43.*

[§ 1306.208 as amended January 30, 1942, effective February 2, 1942; 7 F.R. 618]

§ 1306.209 *Effective date of Price Schedule No. 43.* This Schedule (§§ 1306.209 to 1306.210, inclusive) shall become effective December 1, 1941.

§ 1306.210. *Appendix A: Maximum prices for used steel barrels or drums—*

(a) *Maximum prices for reconditioned drums.* The maximum prices for a reconditioned drum, delivered to the purchaser, shall be as follows:

14 to 16 gallons, inclusive.....	\$1.45
29 to 33 gallons, inclusive.....	1.85
50 to 58 gallons, inclusive.....	2.25

Additional charges. Charges per drum in addition to the above may be made as follows:

(1) Where a reconditioned drum is delivered in excess of 50 miles from the shipping point, the lower of the following alternative charges may be added:

(i) Actual cost of transportation from the shipping point, or

(ii) For each 75 miles or fraction thereof in excess of 50 miles from the shipping point:

14 to 16 gallons, inclusive.....	\$0.05
29 to 33 gallons, inclusive.....	.075
50 to 58 gallons, inclusive.....	.10

(2) Where a raw used drum is reconditioned and delivered in the States of California, Washington and Oregon:

14 to 16 gallons, inclusive.....	\$0.15
29 to 33 gallons, inclusive.....	.25
50 to 58 gallons, inclusive.....	.50

(3) Where a drum which is lined has been reconditioned so that it is suitable for use as a food container without any further reconditioning process and is sold for use as a food container:

14 to 16 gallons, inclusive.....	\$0.15
29 to 33 gallons, inclusive.....	.20
50 to 58 gallons, inclusive.....	.25

(b) *Maximum prices for raw used drums purchased direct from the person who empties the drums.* The maximum price for a raw used drum purchased direct from the person who empties the drum, f. o. b. the place where the drum is emptied, shall be as follows:

14 to 16 gallons, inclusive.....	\$0.75
29 to 33 gallons, inclusive.....	1.00
50 to 58 gallons, inclusive.....	1.25

provided that a charge per drum in addition to the above may be made where the raw used drum is purchased and delivered in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive.....	\$0.10
29 to 33 gallons, inclusive.....	.20
50 to 58 gallons, inclusive.....	.40

(c) *Maximum prices for raw used drums other than in paragraph (b).* The maximum prices for a raw used drum, delivered to the purchaser, other than those purchased direct from the person who empties the drum, shall be as follows:

14 to 16 gallons, inclusive.....	\$1.00
29 to 33 gallons, inclusive.....	1.30
50 to 58 gallons, inclusive.....	1.60

(1) *Provided,* That where a raw used drum is picked up by the purchaser a deduction shall be made from the above as follows:

14 to 16 gallons, inclusive.....	\$0.05
29 to 33 gallons, inclusive.....	.075
50 to 58 gallons, inclusive.....	.10

and (2) *Provided further,* That a charge per drum in addition may be made where the raw used drum is purchased and either delivered or picked up in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive.....	\$0.10
29 to 33 gallons, inclusive.....	.20
50 to 58 gallons, inclusive.....	.40

[§ 1306.210 as amended January 30, 1942, effective February 2, 1942; 7 F.R. 618]

§ 1306.211 *Appendix B: Exceptions.* The following persons have been granted an exception under § 1306.207 of Price Schedule No. 43 permitting them to make a charge in addition to the maximum prices in § 1306.210, Appendix A, for drums which are furnished by such persons with a new Heresite lining:

Acme Barrel Co., 2300 W. Thirteenth St., Chicago, Illinois, by letter dated Dec. 16, 1941.

Newark Steel Drum Co., 1200 W. Blanche St., Linden, N. J., by letter dated December 16, 1941.

All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such person pursuant to such application. Persons interested may secure the terms of an exception on application to the Office of Price Administration.*

[§ 1306.211 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.212 *Geographical application.* The provisions of Price-Schedule No. 43

shall apply only to sales, offers to sell or deliveries of drums moving within, into or out of one of the 48 States of the United States or the District of Columbia.*

[§ 1306.212 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 656]

Issued this 24th day of November 1941.¹

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 44—DOUGLAS FIR DOORS

Douglas fir doors, manufactured from Douglas fir lumber and plywood, constitute the majority of doors produced in this country, and their price is a significant factor in construction costs. The importance of fir doors to the economy and the demand for these doors has greatly increased by virtue of the vastly expanded building activity stemming from and accompanying the defense program. Large numbers of fir doors are used in cantonments, factories producing military necessities, and defense housing projects. Despite markedly increased production, the supply of doors has not kept pace with the augmented demand. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing levels. The cumulated price increases cannot be justified either on the basis of the increased costs of production or on the assumption that higher prices bring out appreciably more production.

The Office of Price Administration has determined that the establishment of maximum prices for Douglas fir doors is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. The maximum prices set forth in Price Schedule No. 44 were determined to be fair and reasonable after extensive investigations, conferences with the industry, and full consideration of all relevant factors.

[Preamble amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.151 *Maximum prices for Douglas fir doors.* On and after December 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer of Douglas fir doors shall sell, offer to sell, deliver, or transfer, for domestic or export use and no person shall buy, offer to buy, or accept delivery of any Douglas fir doors from a manufacturer at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1312.159.*

* §§ 1312.151 to 1312.159, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

¹ Issued: 6 F.R. 5961. Amended: 7 F.R. 200, 618, 656.

§ 1312.152 *Less than maximum prices.* Lower prices than those set forth in § 1312.159, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.153 *Evasion.* The price limitations set forth in Price Schedule No. 44 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of Douglas fir doors, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on December 10, 1941, or by any other means.*

§ 1312.154 *Records and reports.* Every manufacturer who sells and every person who purchases from a manufacturer Douglas fir doors of a value of more than \$1,000.00 in any month after December 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale made during such month showing the date thereof, the name and address of the buyer and seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of Douglas fir doors (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 44 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1312.154 as amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798.]

§ 1312.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 44, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 44, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 44; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 44 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 44. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of

speculation, or manipulation of prices of Douglas fir doors, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.156 *Modification of Price Schedule No. 44.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 44 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 44.*

§ 1312.157 *Definition.* When used in Price Schedule No. 44, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a factory or plant which produces Douglas fir doors. The term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(c) "Douglas fir doors" means doors of the types listed in § 1312.159, Appendix A, made from Douglas fir lumber.

(d) "Deliver" means to make physical transfer of doors to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser, to whom the doors have been sold.*

§ 1312.158 *Effective date of Price Schedule No. 44.* This Schedule (§§ 1312.151 to 1312.159, inclusive) shall become effective December 10, 1941.*

§ 1312.159 *Appendix A: Maximum prices¹ for Douglas fir doors.* (a) The maximum prices f. o. b. factory shall be determined by applying the following discounts to the list prices set forth in paragraph (b).

Basic discount:

To persons who during the first nine months of 1941 received the seller's prevailing maximum discount. 72 percent.

To all other persons. 70 percent.

No. 1 Doors "A" Grade. Basic Discount

No. 2 Doors "B" Grade. 1 point longer than Basic Discount.

No. 3 Doors "C" Grade. 2 points longer than Basic Discount.

Millrun 1½" only. 1 point longer than Basic Discount.

Storm Doors. 1 point longer than Basic Discount.

Cupboard Doors (B&Btr. only). 1 point longer than Basic Discount.

"A" Grade Sidelights. Basic Discount.

Rlm and French Doors 5 points longer than ("A" & "B" Grades only). Basic Discount.

[Paragraph (a) as amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798]

¹ When cash is paid within 5 days of delivery, the maximum price is the price herein set forth less 2%. All prices are for mixed carload quantities.

(b) List prices—(1) Standard house door basic list:

Size	1¾"	1¾"	1¾"
2-0 x 6-0	\$2.55	\$3.40	\$5.90
2-4 x	6.95	8.50	6.25
2-6 x	7.15	9.20	6.45
2-8 x	7.35	9.55	6.65
3-0 x	7.95	10.75	7.20
2-4 x 6-1	7.15	9.15	6.45
2-0 x 6-6	6.85	8.75	6.15
2-4 x	7.30	9.35	6.55
2-6 x	7.50	9.75	6.75
2-8 x	7.70	10.00	6.95
3-0 x	8.35	11.25	7.50
2-0 x 6-8	7.60	9.95	6.25
2-4 x	7.40	9.50	6.65
2-6 x	7.60	9.60	6.85
2-8 x	7.80	10.15	7.05
3-0 x	8.15	11.60	7.35
3-10 x	8.50	11.50	7.65
2-0 x 6-10	7.50	9.60	6.75
2-4 x	7.70	10.10	7.10
2-6 x	8.15	10.60	7.35
2-8 x	8.35	10.85	7.50
3-0 x	8.70	11.75	7.85
3-0 x	9.05	12.20	8.15
2-0 x 7-0	7.60	9.75	6.85
2-4 x	8.60	10.25	7.20
2-6 x	8.25	10.75	7.45
2-8 x	8.45	11.00	7.65
3-0 x	8.80	11.90	7.90
3-0 x	9.20	12.40	8.30
2-6 x 7-6	8.85	11.50	
2-8 x	9.25	12.60	
2-10 x	9.65	13.60	
3-0 x	10.00	13.50	
2-6 x 8-0	9.20	12.60	
2-8 x	9.65	12.55	
3-0 x	10.45	14.10	
4-0 x	13.60	18.35	

NOTES: For 1¾" Sash Doors, use 1¾" list. All Storm Doors are priced from 1¾" list.

(2) Standard side light basic list, No. 1 grade only:

Size	1¾" open list	1¾" open list
1-0 x 6-8	\$4.20	\$5.20
6-10	4.45	5.55
7-0	4.50	5.60
1-2 x 6-8	4.40	5.50
6-10	4.60	5.75
7-0	4.65	5.80
1-4 x 6-8	4.50	5.70
6-10	4.75	6.05
7-0	4.85	6.10
1-6 x 6-8	4.65	5.95
6-10	4.95	6.25
7-0	5.00	6.30

(3) Standard cupboard door basic list,¹ No. 2 and better grade only:

STILES, TOP AND CROSS RAILS—2¾"

Size	¾"	1¾"
1-6 x 1-6	\$1.50	\$1.60
2-0	1.65	1.80
2-6	2.10	2.30
3-0	2.25	2.50
3-6	2.70	2.95
4-0	2.85	3.15
4-6	3.30	3.65
5-0	3.50	3.80
5-6	3.65	4.00
6-0	3.85	4.20

¹ For 1¾" Cupboard Doors, add to 1½ list 15%.

STILES, TOP AND CROSS RAILS—234"—Con.

Size	3/4"	1 1/8"
1-8 x 1-6	\$1.55	\$1.70
2-0	1.75	1.90
2-6	2.20	2.40
3-0	2.40	2.60
3-6	2.85	3.10
4-0	3.05	3.30
4-6	3.50	3.80
5-0	3.65	4.00
5-6	3.90	4.25
6-0	4.05	4.45
1-10 x 1-6	1.60	1.75
2-0	1.80	2.00
2-6	2.30	2.50
3-0	2.50	2.75
3-6	3.00	3.25
4-0	3.20	3.50
4-6	3.65	4.00
5-0	3.85	4.25
5-6	4.10	4.45
6-0	4.30	4.70
2-0 x 1-6	1.65	1.85
2-0	1.90	2.10
2-6	2.40	2.65
3-0	2.60	2.85
3-6	3.10	3.45
4-0	3.35	3.65
4-6	3.85	4.20
5-0	4.05	4.45
5-6	4.30	4.70
6-0	4.50	4.95

(c) List rules and extras:

RULE 1. For sizes not listed and intermediate sizes, use same list as next larger listed size.

RULE 2. List Extras are additions to be made to foregoing Basic Lists. Where a given percentage is to be added to create a new list figure for a door, such list-figure is to be made to end in 5 or 0, whichever is nearer.

RULE 3. Larger sizes than listed.

(a) Doors wider than listed, use widest list of same height and add for each additional four inches in width or part thereof, to List Price, 10%.

(b) Doors longer than listed, use longest list of same width and add for each additional six inches or part thereof, to List Price, 10%.

RULE 4. Thick doors over 1 3/4".

(a) Up to 2" thick, add to List Price of 1 3/4", same size, 100%.

(b) For each 1/4", or fraction, over 2" thick, add to List Price an additional 50%.

(d) Design extras exclusive of water-tables and trim (Commercial Standard CS 73-38 Department of Commerce):

Design	Net extra per door	
	Flat panel	Raised panel
HOUSE DOORS		
F-1	\$0.65	(1)
F-2	.65	(1)
F-3	None	(1)
F-13	None	(1)
F-5	None	\$0.25
F-66	.25	.37
F-67	.25	.37
F-68	.25	.37
F-69	.25	.37
F-83	.35	.61
F-114	None	.04
F-614	(F-114 6 lts. 3 x 2)	.30
F-614	(F-114 9 lts. 3 x 3)	.55
F-415	.20	.24
F-415-H	.20	.24
F-416	.20	.26
F-117	None	.08
F-117 1/2	None	.25
F-118	None	.06
F-118 1/2	None	.08
F-318	.15	.21

See footnotes at end of table.

Design	Net extra per door	
	Flat panel	Raised panel
HOUSE DOORS—Continued		
F-418	\$0.20	\$0.28
F-618	.30	.38
F-918	.65	.61
F-119	None	.06
F-214	None	.06
F-214-H	.15	.21
F-20	None	(1)
F-21	.10	(1)
F-22	.30	(1)
F-23	.30	(1)
F-29	.40	(1)
F-123	.10	(1)
F-129	.40	(1)
F-33	None	(1)
F-133	None	(1)
F-62	.25	(1)
F-162	.25	.35
F-662	(F-162 6 lts. 3 x 2)	.65
F-862	(F-162 8 lts. 4 x 2)	.80
F-63	.30	(1)
F-163	.30	.40
F-663	(F-163 6 lts. 3 x 2)	.70
F-863	(F-163 8 lts. 4 x 2)	.85
F-14	.20	.32
F-144	.20	.24
F-444	(F-144 4 lts. 2 x 2)	.40
F-45	.25	.35
F-145	.25	.31
F-108	.10	(1)
F-109	.40	(1)
F-80	.30	(1)
F-82	None	(1)
F-182	None	(1)
F-682	(F-182 6 lts. 3 x 2)	.30
F-882	.55	(1)
F-147	.30	.32
F-152	.20	.30
F-154	.20	.32
F-110	.20	(1)
F-111	.45	(1)
F-310	.45	(1)
F-311	.70	(1)
F-610	.60	(1)
F-611	.85	(1)
F-810	.75	(1)
F-811	1.00	(1)
FRENCH AND RIM DOORS		
F-35	None	-----
F-36	.30	-----
F-37	.90	-----
F-435	.20	-----
F-436	.50	-----
F-437	1.10	-----
F-535	.25	-----
F-536	.55	-----
F-537	1.15	-----
F-538	.45	-----
F-539	.75	-----
F-537	1.35	-----
F-935M	.70	-----
F-936M	1.00	-----
F-937M	1.60	-----
F-1035	.45	-----
F-1036	.75	-----
F-1037	1.35	-----
F-1235	.55	-----
F-1236	.85	-----
F-1237	1.45	-----
F-1535	.70	-----
F-1536	1.00	-----
F-1537	1.60	-----
F-1635	.75	-----
F-1636	1.05	-----
F-1637	1.65	-----
STORM DOORS		
FS-7	.15	.29
FS-07	.15	.25
FS-415	(same as F-415)	.35
FS-416	(same as F-416)	.35
FS-162	(same as F-162)	.40
FS-662	(same as F-662)	.80
CUPBOARD DOORS		
F-05	None	.08
F-020	None	(1)
F-032	None	(1)
SIDELIGHTS		
F-035	-----	None
F-0435	-----	.25
F-0535	-----	.30
F-0635M	-----	.45

¹ Flat Panel only.

² For Colonial doors other than designs above add net per door 15¢.

³ The raised panel price of Items F-5 and F-117 1/2 was changed from \$0.10 to \$0.25 by amendment December 27, 1941, effective January 1, 1942; 6 F.R. 0798.

(e) House door rules and net extras:

RULE 1. Lot and/or stop-over cars. On cars containing orders for more than one lot, a charge of \$2.50 per lot may be made to cover cost of segregating.

RULE 2. Stock quantity. 10 doors of a size and kind in 1 3/8" thickness and 5 doors of a size and kind in 1 1/4" thickness constitute stock quantity. For less than stock quantity 10% may be added.

RULE 3. Wide stiles and rails. For stiles and rails wider than standard narrow layout (4 1/10" stiles and top rail, 9 3/8" bottom rail) add net per door:

(a) Stiles & Top Rail over 4 1/10" to 5 3/8", 25¢.

(b) Stiles & Top Rail over 5 3/8" to 6 3/8", 70¢.

(c) Bottom Rail over 9 3/8" to 11 3/8", 5¢.

(d) Bottom Rail over 11 3/8" to 18 3/8", 70¢.

(e) Lock Rails or Intermediate Rails, for each 1" or part thereof, over catalogued standard width, add net per member, 5¢.

RULE 4. Glass beads and bars. (a) Stock pattern glass beads and bars furnished in all glass openings, beads furnished and tacked in at no extra charge. No deduction for omitting glass beads in any door.

(b) For bars and beads other than standard, but of simple manufacture and assembly, add per light formed, 10¢. Minimum charge for (b) on any order, \$5.00.

(c) Bar and Bead Stock:

1 3/8" Bars 1/2" between glass (per hundred lineal ft.), \$3.75 list.

1 3/4" Bars 1/2" between glass (per hundred lineal ft.), \$4.25 list.

Standard Glass Beads (per hundred lineal ft.), \$1.00 list.

Bar and Bead Stock subject to moulding discount.

RULE 5. Divided lights. (a) For dividing lights in any one-light stock door, using standard beads and bars, add per light formed as used in series 118.

(b) For dividing lights with other than standard beads and bars, see Rule 4 (b).

RULE 6. Sticking. (a) Bead and cove is stock sticking on all doors, unless otherwise specified.

(b) Sunk Ogee sticking, add net per door, 10¢. Minimum charge for any order, \$5.00.

(c) Square sticking, add net per door, 10¢. Minimum charge for any order, \$5.00.

(d) Sash sticking on French doors, add net per door, 10¢. Minimum charge for any order, \$5.00.

(e) Special stickings of practical machining patterns, requiring grinding of knives, add \$15.00 grinding and setup charge, and add net per door, 10¢.

(f) For sash sticking around glass opening and stock sticking around panels, add net per door, 50¢. Minimum charge for any order, \$5.00.

(g) No additional charge for Ovolo sticking.

RULE 7. Thick laminated (flat) panels.

(a) Over 1/4" to 3/8" 3-Ply panels, add net per door, 35¢.

(b) Over $\frac{3}{8}$ " to $\frac{1}{2}$ " 5-Ply panels, add net per door, 50¢.

(c) Over $\frac{1}{2}$ " to $\frac{3}{4}$ " 5-Ply panels, add net per door, 75¢.

RULE 8. Solid raised or flat panels, oversize. For standard thickness solid panels, over $11\frac{3}{8}$ " wide, in two and/or three panel designs, add net per panel, 50¢.

RULE 9. Watertables and trim. Shipped loose unless ordered to be planted on.

(a) For plain, one member watertable, add net per door, 10¢.

(b) Watertable with blocks or dentil, add net per door, 25¢.

(c) Planting on watertable (a), add net per door, 10¢.

(d) Planting on watertables, (b), add net per door, 15¢.

RULE 10. Astragals. Shipped loose.

(a) For doors $1\frac{3}{8}$ " thick and not over 8' high, each, 40¢.

(b) For doors $1\frac{1}{4}$ " thick and not over 8' high, each, 50¢.

(c) For doors $2\frac{1}{4}$ " and $2\frac{1}{2}$ " thick and not over 8' high each, \$1.10.

RULE 11. Rabbeting in pairs. 1. House doors:

(a) Rabbeting plain, add net per pair, 25¢.

(b) Rabbeting and Beading, add net per pair, 50¢.

2. Cupboard doors:

(a) Rabbeting plain, add net per pair, 10¢.

(b) Rabbeting and Beading, add net per pair, 25¢.

RULE 12. Mirror doors. For preparing doors for full length sunken mirror, add net per door as follows:

One Panel.....	\$0.20
Sub-Style Type.....	.35
Two Panel & Three Panel.....	.75
Five Panel & Six Panel.....	1.00

RULE 13. Storm doors. Standard Storm Doors: $1\frac{1}{8}$ " thick, Millrun Grade, $\frac{1}{2}$ " oversize in width and 1" oversize in length, stiles not beveled.

(a) For beveled stiles, add net per door, 10¢.

RULE 14. Toilet doors. Use Cupboard Door Discount and Cupboard Door List for size required, exclusive of lugs, and add for lugs not exceeding 4" long for each top and bottom, per door, 50¢.

RULE 15. Dutch doors. (a) Cut through lock-rail, not rabbeted, add net per door, 50¢.

(b) Cut through lock rail and rabbeted, add net per door, \$1.00.

(c) Plain shelf and bracket, per side, \$2.00.

RULE 16. Removable panels. For panels removable add net per panel, 12¢.

RULE 17. Pre-fit doors. Per door, 15¢. For prefitting to height only, add per door, 10¢.

RULE 18. Crating. Price per crate regardless of number of doors per crate, \$1.50.

Standard crating:

6 $1\frac{1}{8}$ " doors per crate.

5 $1\frac{3}{8}$ " doors per crate.

4 $1\frac{1}{4}$ " doors per crate.

3 $1\frac{1}{4}$ " Raised Moulding doors per crate.

Thicker and oversize doors—one or more per crate as can be conveniently handled.

RULE 19. Paper wrapping. If panel doors ordered wrapped, add per door, 25¢.

RULE 20. Resin sealing. If panel doors ordered resin sealed, add per door, 25¢. If panel doors ordered resin sealed, panels only, add per door, 15¢.

(f) *Maximum prices for garage doors f. o. b. factory:*

1 $\frac{3}{4}$ " Basic Price:	Per pair
To persons who during the first nine months of 1941 received the seller's prevailing lowest price.....	\$8.00
To all other persons.....	8.50

1 $\frac{3}{8}$ " Basic Price:	
To persons who during the first nine months of 1941 received the seller's prevailing lowest price.....	7.50
To all other persons.....	8.00

[Paragraph (f) as amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798]

(g) *Design extras on garage doors* (Commercial Standard CS 73-38, Department of Commerce):

F-491.....	\$1.50 per set.
F-493.....	\$0.50 per set.
F-495.....	\$0.50 per set.
F-496.....	\$0.50 per set.
F-691.....	\$1.00 per pr.
F-693.....	None.
F-695.....	None.
F-696.....	None.
F-694.....	None.
F-190... (without lights).....	\$10.50 per set. ¹
F-290... (without lights).....	\$9.00 per pr. ¹
F-093.....	\$0.75 per pr.
F-093S.....	\$1.25 per set.
F-096.....	\$1.50 per pr.
F-096S.....	\$2.00 per set.
F-099.....	\$1.50 per pr.
F-099S.....	\$2.00 per set.
F-0912.....	\$2.00 per pr.
F-0912S.....	\$2.50 per set.

Above extras include standard pattern glass beads, planted in place in all sash doors. No deduction for omission of glass beads.

(h) *Garage door rules and net extras:*

RULE 1. Pairs, sets, singles. (a) Garage doors 3'0" and narrower are priced as sets.

(b) Garage doors wider than 3'0", up to and including 5'0", are priced as pairs.

(c) Garage doors over 6'0" in width are priced as single doors.

RULE 2. Large sizes. (a) For each foot, or fraction thereof, in length over 8'0", add per opening, \$2.50.

(b) For each foot, or fraction thereof, in width per opening over 8'0", in pairs, add per opening, \$2.50.

(c) For sets of 9'0" width opening, add net per set, \$1.00.

RULE 3. Sets of four doors. Sets of four doors per opening, add to price per set of like design, \$2.00.

RULE 4. Single doors. For single doors, made to represent pairs, add to price per pair of like design, to determine price of each single door, \$3.00.

RULE 5. Wide stiles and rails. For wider than standard catalogued sizes: $5\frac{3}{8}$ " stiles in sets, add per set, 75¢.

Lock rails over $5\frac{3}{8}$ " wide, up to and including 8" wide, add per pair or set, 25¢.

Bottom rails over $9\frac{3}{8}$ " wide, up to and including $11\frac{3}{8}$ ", add per pair or set, 25¢.

RULE 6. Beads for glass. Use application of Rule 3, "House Door Rules & Net Extras."

RULE 7. Sticking. Rule 6, "House Door Rules & Net Extras" also applies to Garage doors.

RULE 8. Raised panels. If panels are required thicker than stock panels, an extra charge may be made.

RULE 9. Rabbeting in pairs. For plain rabbeting in pairs, add net per pair, \$1.00; for plain rabbeting in sets, add net per set, \$1.50.

RULE 10. Astragals. For $1\frac{3}{8}$ " garage door astragals, each, 40¢; for $1\frac{1}{4}$ " garage door astragals, each, 50¢.

RULE 11. Designs F190 and F290 (Aristocrat Garage Doors). (a) Widths of doors other than 2'8" and 4'0", requiring special width battens, add per pair or set, \$2.00.

(b) For cutting in rectangular lights, per light, 75¢.

(c) For dividing lights, each light over one, 10¢.

(d) If made with solid lumber core top to permit cutting down or shaping, add per pair or set, \$1.00.

RULE 12. Chamfering. For Chamfering sawbucks on design numbers F-691 and F-491, add net per pair or set, 50¢.

RULE 13. Removable panels. For panels removable add net per panel, 12¢.

RULE 14. Resin sealing. If panels in doors ordered resin sealed add per pair or set, 50¢.

(i) A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendix A may be charged, computed according to the method used by the seller during the 30 day period ending December 10, 1941. In no case shall the addition for transportation be more onerous to the purchaser than that which was or would have been charged by the seller during the same period.*

Issued this 27th day of November 1941.

LEON HENDERSON,
Administrator.

PART 1346—BUILDING MATERIALS

REVISED PRICE SCHEDULE NO. 45—ASPHALT OR TARRED ROOFING PRODUCTS

Asphalt or tarred roofing products, primarily made of a felt base (composed of waste rags, waste paper and other fibers).

*Issued: 6 F.R. 6034. Amended: 6 F.R. 6798.

¹ See Garage Door Rule No. 11.

saturated and/or coated with asphalt or tar, are widely used as a building material. In the defense program, these products have been extensively employed in the construction industry. The recent increased use of asphalt roofing products stemming from the defense program and the accompanying expanded economic activity has so increased demand for such products that shipments for the first eight months of 1941 exceeded 26,000,000 squares. As a consequence, inflationary pressure has been exerted upon these products resulting in several successive price increases during the past four months totaling fifteen to sixteen per cent while total unit costs for most items have actually declined during the same period. Earnings have therefore steadily increased. While the present Price Schedule No. 45 reduces prices below current levels it still provides a very substantial margin of profit.

Price Schedule No. 45 utilizes the shipping point, freight equalization, and allowance systems presently in effect in this industry, including the customary practice of free deliveries in free shipping zones. Such acceptance and incorporation of these systems into Price Schedule No. 45, merely as a vehicle for determining prices, should not be regarded as approval thereof, nor should this reservation be regarded as disapproval.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1346.51 *Maximum prices for asphalt or tarred roofing products sold by manufacturers.* On and after December 12, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, asphalt or tarred roofing products, and no person shall buy, offer to buy, or accept delivery of such products from a manufacturer, at prices higher than the maximum prices established in Appendices A (Eastern area) and B (Pacific Coast area) hereof, incorporated herein as §§ 1346.59 and 1346.60: *Provided*, That Price Schedule No. 45 shall in no event apply to "applied sales" as defined in § 1346.57 (i).*

* §§ 1346.51 to 1346.60, inclusive issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1346.52 *Less than maximum prices.* Lower prices than those established in Appendices A and B (§§ 1346.59 and 1346.60) may be charged, demanded, paid, or offered.*

§ 1346.53 *Evasion.* The price limitations set forth in Price Schedule No. 45 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of asphalt or tarred roofing products, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or by making terms and

conditions of sale more onerous to the purchaser than those available or in effect on the effective date of Price Schedule No. 45, or by any other means.*

§ 1346.54 *Records and reports.* On and after December 12, 1941, every manufacturer who sells, delivers or transfers asphalt or tarred roofing products of a total value in excess of \$1,000.00 per month, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, delivery or transfer, showing the date thereof, the name and address of the buyer, the price paid or received, and the quantity (in squares) of each grade, type, shape, size, kind and color of asphalt or tarred roofing products sold.

Persons affected by Price Schedule No. 45 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1346.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 45, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 45, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 45; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 45. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of asphalt or tarred roofing products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1346.56 *Modification of Price Schedule No. 45.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 45 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 45.*

§ 1346.57 *Definitions.* When used in Price Schedule No. 45, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Asphalt or tarred roofing products" means roofing shingles and siding materials having a felt base (composed of waste rags, waste paper or other fibers), saturated and/or coated with asphalt or coal tar pitch, whether with or without mineral surface, of any grade, type, shape, size, kind or color, and without restricting the above, also includes

slaters felt, and asphalt or coal tar pitch saturated and/or coated laminated fiber or felt sheets or boards not exceeding one-quarter inch in thickness;

(c) "Manufacturer" means a person operating a mill or plant producing asphalt or tarred roofing products, as well as any sales subsidiary or affiliate, any commission salesman, manufacturer's representative or other manufacturer's agent;

(d) "Carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the lowest applicable minimum carload weight as required in the established tariffs of rail carriers;

(e) "Less than carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (d) above;

(f) "Ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the highest applicable minimum truckload weight as required in the established tariffs of the motor carriers;

(g) "Less than ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (f) above;

(h) "Square" means a quantity of asphalt or tarred roofing products sufficient to cover 100 square feet of surface when applied in the customary trade manner;

(i) "Applied sale" means a transaction whereby the manufacturer furnishes materials and in addition performs the service of applying the materials to the building itself, in consideration of the total price paid by the purchaser;

(j) "Deliver" means to make physical transfer to the purchaser, or to a carrier not owned or controlled by the seller, for carriage to the purchaser, to whom the goods have been sold.*

§ 1346.58 *Effective date of Price Schedule No. 45.* This Schedule (§§ 1346.51 to 1346.60, inclusive) shall become effective December 12, 1941.*

§ 1346.59 *Appendix A; Maximum prices for asphalt and tarred roofing products for eastern area—(a) Application.* The provisions of Appendix A apply to all sales of asphalt or tarred roofing products in which the point of destination is within the continental United States east of and including the states of Montana, Wyoming, Colorado and New Mexico.

(b) *Types of shipments and prices applicable thereto.* (1) Carload (as defined in § 1346.57 (d)) via rail and/or water: Carload prices on all items.

(2) Less than carload (as defined in § 1346.57 (e)) via rail and/or water: Less than carload price on all items.

(3) Ten-ton truck shipment (as defined in § 1346.57 (f)): Carload price on all items.

(4) Less than ten-ton truck shipment (as defined in § 1346.57 (g)): Less than carload price on all items.

(c) *Transportation charges and freight equalization.* Although the maximum prices established herein are set f. o. b. shipping points, the purchaser shall bear only the transportation charges expressly provided for below, and all other transportation costs shall be absorbed by the manufacturer.

(1) Shipments to destinations within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

No charges for transportation may be added to the maximum prices set forth in Price Schedule No. 45 on such shipments.

(2) Shipments to destinations not within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

On all such shipments the transportation charge shall be shown as a separate item in the purchaser's invoice. Such transportation charge shall be computed by applying to the weight of the shipment as determined from the manufacturers' published price lists the rail rate from that shipping point herein contained from which the lowest rail rate to actual destination on an identical shipment is applicable. However, in addition to any other allowance which may be required or made, an allowance shall be made to the purchaser (by credit or refund) as indicated below:

(i) Carload shipments or ten-ton truck shipments:

(a) Where shipment is made via rail or truck:

Full allowance of the transportation charge¹ shall be made to the purchaser, unless such charge¹ shall exceed nine cents per hundred pounds, in which case the manufacturer may limit such allowance to nine cents per hundred pounds.

(b) Where shipment is wholly or partially by water:

In lieu of the allowance set forth in (a) above, the allowance to the purchaser shall be the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels.

(ii) Stop-over charges:

Where 20,000 lbs. or more of asphalt or tarred roofing products are unloaded an allowance shall be made to the purchaser equal to actual stop-over charges at such point of unloading.

(d) *Maximum prices for standard asphalt or tarred roofing products, f. o. b. shipping points:*

¹ Computed in accordance with sub-paragraph (2) above.

TABLE 1.—STRIP SHINGLES

		Maximum prices, f. o. b. shipping points (per square)	
		L/CL	CL
12" (3 in line) Strips.....			
Average Approx. Weight per Square.....	210 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
12" (3 in line) Strips.....		\$5.17 less 6% & 5%.....	\$4.44 less 5%.
Average Approx. Weight per Square.....	210 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
12" (3 in line) Strips.....		\$4.94 less 6% & 5%.....	\$4.24 less 5%.
Average Approx. Weight per Square.....	210 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
15" (3 in line) Thickbut Strips.....			
Average Approx. Weight per Square.....	250 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
15" (3 in line) Thickbut Strips.....		\$5.62 less 6% & 5%.....	\$4.83 less 5%.
Average Approx. Weight per Square.....	250 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
12" Tapered Strips.....			
Average Approx. Weight per Square.....	275 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
12" Tapered Strips.....		\$6.19 less 6% & 5%.....	\$5.49 less 5%.
Average Approx. Weight per Square.....	275 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
11 1/2" Hexagon Strips.....			
Average Approx. Weight per Square.....	167 Lb.		
Strips per Square.....	86		
Exposure.....	4 3/4"		
Headlap.....	2"		
Underwriters Label.....	0		
11 1/2" Hexagon Strips.....		\$3.89 less 6% & 5%.....	\$3.34 less 5%.
Average Approx. Weight per Square.....	167 Lb.		
Strips per Square.....	86		
Exposure.....	4 3/4"		
Headlap.....	2"		
Underwriters Label.....	0		
10" Square Butt (4 in 1) Strips.....			
Average Approx. Weight per Square.....	210 Lb.		
Strips per Square.....	100		
Exposure.....	4"		
Headlap.....	2"		
Underwriters Label.....	0		
10" Square Butt (4 in 1) Strips.....		\$4.91 less 6% & 5%.....	\$4.24 less 5%.
Average Approx. Weight per Square.....	210 Lb.		
Strips per Square.....	100		
Exposure.....	4"		
Headlap.....	2"		
Underwriters Label.....	0		
12 1/4" Square Butt (4 in 1) Strips.....			
Average Approx. Weight per Square.....	256 Lb.		
Strips per Square.....	100		
Exposure.....	4"		
Headlap.....	4 1/4"		
Underwriters Label.....	0		
12 1/4" Square Butt (4 in 1) Strips.....		\$5.92 less 6% & 5%.....	\$5.09 less 5%.
Average Approx. Weight per Square.....	256 Lb.		
Strips per Square.....	100		
Exposure.....	4"		
Headlap.....	4 1/4"		
Underwriters Label.....	0		
12" (3 in 1) Strips.....			
Average Approx. Weight per Square.....	237 Lb.		
Strips per Square.....	80		
Exposure.....	6"		
Headlap.....	2"		
Underwriters Label.....	0		
12" (3 in 1) Strips.....		\$6.39 less 6% & 5%.....	\$5.49 less 5%.

TABLE 2.—INDIVIDUAL SHINGLES

		Maximum prices, f. o. b. shipping points (per square)	
		L/CL	CL
Dutch Lap Giant With Clips or Staples.....			
Average Approx. Weight per Square.....	162 Lb.		
Shingles per Square.....	113		
Sidelap.....	3"		
Headlap.....	2"		
Underwriters Label.....	0		
Dutch Lap Giant With Clips or Staples.....		\$3.83 less 6% & 5%.....	\$3.29 less 5%.
Average Approx. Weight per Square.....	162 Lb.		
Shingles per Square.....	113		
Sidelap.....	3"		
Headlap.....	2"		
Underwriters Label.....	0		
Standard Individual.....			
Average Approx. Weight per Square.....	253 Lb.		
Shingles per Square.....	379		
Exposure.....	4"		
Headlap.....	4 1/2"		
Underwriters Label.....	0		
Standard Individual.....		\$5.92 less 6% & 5%.....	\$5.09 less 5%.
Average Approx. Weight per Square.....	253 Lb.		
Shingles per Square.....	379		
Exposure.....	4"		
Headlap.....	4 1/2"		
Underwriters Label.....	0		
Giant.....			
Average Approx. Weight per Square.....	325 Lb.		
Shingles per Square.....	230		
Exposure.....	6"		
Headlap.....	6"		
Underwriters Label.....	0		
Giant.....		\$7.31 less 6% & 5%.....	\$6.28 less 5%.

TABLE 3.—SIDINGS

		Maximum prices, f. o. b. shipping points (per square)	
		L/CL	CL
Brick Siding Strips—210 Lb.....			
Average Approx. Weight per Square.....	210 Lb.		
Strips per Square.....	134		
Exposure.....	3"		
Brick Siding Strips—210 Lb.....		\$6.16 less 6% & 5%.....	\$5.29 less 5%.
Average Approx. Weight per Square.....	210 Lb.		
Strips per Square.....	134		
Exposure.....	3"		
Brick Siding Strips—175 Lb.....			
Average Approx. Weight per Square.....	175 Lb.		
Strips per Square.....	131		
Exposure.....	3"		
Brick Siding Strips—175 Lb.....		\$5.52 less 6% & 5%.....	\$4.74 less 5%.
Average Approx. Weight per Square.....	175 Lb.		
Strips per Square.....	131		
Exposure.....	3"		
Embossed Brick Strip in Rolls.....			
Average Approx. Weight per Square.....	103 Lb.		
Embossed Brick Strip in Rolls.....		\$2.96 less 6% & 5%.....	\$2.54 less 5%.

TABLE 4.—BUILT-UP ROOF MATERIALS

	Maximum prices f. o. b. shipping points (per roll)	
	L/OL	CL
Asphalt Saturated Felt. Underwriters Label:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb.-----	\$1.93 less 6% & 5%-----	\$1.66 less 5%-----
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb.-----	\$1.93 less 6% & 5%-----	\$1.66 less 5%-----
20 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 65 Lb.-----	\$1.93 less 6% & 5%-----	\$1.66 less 5%-----
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb.-----	\$1.67 less 6% & 5%-----	\$1.44 less 5%-----
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb.-----	\$1.67 less 6% & 5%-----	\$1.44 less 5%-----
Tarred Felt:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb.-----	\$1.93 less 6% & 5%-----	\$1.66 less 5%-----
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb.-----	\$1.93 less 6% & 5%-----	\$1.66 less 5%-----
13 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 55 Lb.-----	\$1.67 less 6% & 5%-----	\$1.44 less 5%-----
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb.-----	\$1.67 less 6% & 5%-----	\$1.44 less 5%-----
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb.-----	\$1.67 less 6% & 5%-----	\$1.44 less 5%-----

TABLE 5.—SLATERS AND THREADED FELT

	Maximum prices, f. o. b. shipping points (per roll)	
	L/OL	CL
Slaters Felt (Asphalt or Tarred):		
Gross Area 500 Sq. Ft. App. Wt. per Roll 30 Lb.-----	\$1.08 less 6% & 5%-----	\$0.93 less 5%-----
Threaded Felt (Asphalt or Tarred):		
Gross Area 500 Sq. Ft. App. Wt. per Roll 42 Lb.-----	\$2.21 less 6% & 5%-----	\$1.90 less 5%-----
Gross Area 250 Sq. Ft. App. Wt. per Roll 21 Lb.-----	\$1.10 less 6% & 5%-----	\$0.95 less 5%-----

TABLE 6.—ROLL ROOFINGS MINERAL SURFACED

	Maximum prices, f. o. b. shipping points (per roll)	
	L/OL	CL
90 Lb. Mineral Surfaced.		
(Class O Label) Fixtures included. Average Approx. Weight per Roll 90 Lb.	\$2.04 less 6% & 5%-----	\$1.75 less 5%-----
75 Lb. Mineral Surfaced.		
Fixtures included. Average Approx. Weight per Roll 75 Lb.	\$1.91 less 6% & 5%-----	\$1.64 less 5%-----
Diamond Point Style.		
Average Approx. Weight per Roll 105 Lb.	\$2.50 less 6% & 5%-----	\$2.15 less 5%-----
Shadow Point Style.		
Average Approx. Weight per Roll 105 Lb.	\$2.50 less 6% & 5%-----	\$2.15 less 5%-----

TABLE 7.—ROLL ROOFINGS, SMOOTH SURFACED

	Maximum prices, f. o. b. shipping points (per roll)	
	L/OL	CL
Cheapest Grade (Fixtures Included):		
Average Approx. Weight per Roll 35 Lb.-----	\$0.94 less 6% & 5%-----	\$0.80 less 5%-----
Average Approx. Weight per Roll 45 Lb.-----	\$1.10 less 6% & 5%-----	\$0.94 less 5%-----
Average Approx. Weight per Roll 55 Lb.-----	\$1.26 less 6% & 5%-----	\$1.08 less 5%-----

(e) *Maximum prices for non-standard asphalt or tarred roofing products, f. o. b. shipping points.* For all asphalt or tarred roofing products not expressly listed above, the maximum prices f. o. b. shipping points shall be the net f. o. b. shipping points selling prices (after deduction of all discounts and allowances, whether published or unpublished) which were actually charged, or which would have been charged (upon the basis of the prices, discounts and allowances, whether published or unpublished, then listed or quoted by the manufacturer) by the manufacturer on a sale made on June 29, 1941, to the same purchaser or class of purchaser for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

(f) *Shipping points:*

Birmingham, Ala.²
 Mobile, Ala.
 Port Wentworth, Ga.
 New Orleans, La.
 Shreveport, La.
 Edge Moor, Del.
 Chicago, Ill.
 Chicago Heights, Ill.
 Clearing, Ill.
 E. St. Louis, Ill.
 Joliet, Ill.
 Lockport, Ill.
 Madison, Ill.
 Marseilles, Ill.
 Vandalia, Ill.
 Waukegan, Ill.
 Wilmington, Ill.
 South Bend, Ind.
 Baltimore, Md.

East Walpole, Mass.
 Millis, Mass.
 Norwood, Mass.
 Detroit, Mich.
 Minneapolis, Minn.
 St. Paul, Minn.
 Kansas City, Mo.
 Marrero, La.
 Memphis, Tenn.
 Fort Worth, Tex.
 Dallas, Tex.
 Port Neches, Tex.
 No. Kansas City, Mo.
 Bound Brook, N. J.
 South Bound Brook, N. J.
 East Rutherford, N. J.
 Elizabeth, N. J.

Jersey City, N. J.
 Kearny, N. J.
 Manville, N. J.
 Maurer, N. J.
 Rutherford, N. J.
 Fulton, N. Y.
 Niagara Falls, N. Y.
 No. Tonawanda, N. Y.

Tonawanda, N. Y.
 Cleveland, Ohio
 Franklin, Ohio
 Lockland, Ohio
 Youngstown, Ohio*
 Erie, Pa.
 Philadelphia, Pa.
 York, Pa.

(g) *Free shipping point zones.* **Baltimore, Md. Zone:** The corporate limits of the Independent City of Baltimore.

Birmingham, Ala. Zone: The corporate limits of Birmingham.

Boston, Mass. Zone: Suffolk County. In Middlesex County, the City of Cambridge, the townships of Newton, Natick, Sherborn, and the town of Brookline. In Norfolk County, the townships of Wellesley, Needham, Denham, Dover, Medfield, Westwood, Norwood, Milton, Canton, Sharon, Walpole, Millis, Medway, Bellingham, Franklin, Wrentham, Foxborough, Norfolk and Plainville.

Buffalo, N. Y. Zone: In Niagara County, the townships of Lewiston, Cambria, Lockport, Niagara, Wheatfield, Pendleton. In Erie County, the townships of Tonawanda, Amherst, Clarence, Newstead, Cheektowaga, Erie and West Seneca.

Chicago, Ill. Zone: In Illinois: Cook County, DuPage County, Will County. In Lake County, the townships of Benton, Waukegan, Warren, Libertyville, Shields, Deerfield, West Deerfield, and Vernon. In Kane County, the townships of Elgin, St. Charles, Geneva, Sugar Grove, Aurora and Batavia. In Kendall County, the township of Oswego. In Kankakee County, the townships of Rockville, Manteno, Summer, Yellowhead, Momence, Ganeer, Kankakee and Bourbonnais. In Indiana: In Lake County, all territory north of a line drawn through and including the corporate limits of Dyer, Hartsdale, Griffith, Ross, South Gary, New Chicago and East Gary.

Cincinnati, Ohio Zone: In Hamilton County, Ohio, except the townships of Harrison, Crosby and White Water. In Butler County, Ohio, the townships of Union, Fairfield, St. Clair, Liberty, Lemon and Madison. In Warren County, Ohio, the townships of Deerfield, Union, Hamilton and Franklin. In Montgomery County, Ohio, the townships of German, Miami, Jackson and Jefferson. In Kentucky, the corporate limits of Covington, Newport, Bellevue, Latonia, Dayton, Altomont, Brent, Stevens, Melbourne, Ross, Oneonta, Erlanger, Crescent Springs, Ludlow and Bromley in Kenton and Campbell Counties.

Cleveland, Ohio Zone: Cuyahoga County.

Dallas, Tex. Zone: The corporate limits of Dallas.

Detroit, Michigan Zone: The territory within the boundary of a line connecting and including South Rockwood, Carleton, West Sumpter, Willis, Ypsilanti, Plym-

*This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

*This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

outh, Northville, Novi, Walled Lake, West Pontiac, Auburn Heights, Utica, Waldenburg, Lakeside, Lake Short, St. Claire Shores, Grosse Pointe Farms, Grosse Pointe, thence down the Detroit River to origin point of South Rockwood.

East St. Louis, Ill. Zone: In Madison County, Ill., the townships of Alton, Wood River, Edwardsville, Choteau, Jarvis, Collinsville, Venice, Nameoki, Granite City. In St. Clair County, Ill., the townships of Caseyville, Canteen, Stites, Centerville, Sugar Loaf, Stookey, St. Clair. In St. Louis County, Mo., the corporate limits of the Independent City of St. Louis and the territory within the boundary of a line drawn through and including the suburbs of: Spanish Lake, Black Jack, Ferguson, Carsonville, Overland, Lackland, Malcolm, Ridge Farm, Sappington, Alpha (Continental), Mehlville, Boussan, thence up the Mississippi River to origin point of Spanish Lake.

Edge Moor, Del. Zone: The corporate limits of Edge Moor.

Erie, Pa. Zone: The corporate limits of Erie.

Franklin, Ohio Zone: See Cincinnati, Ohio Zone.

Fulton, N. Y. Zone: The territory within the boundary of a line drawn through and connecting the corporate limits of the cities or villages of New Haven (Oswego County), Mexico, Hastings, Malory, West Monroe, Brewerton, Clay, Woodward, North Syracuse, East Syracuse, Eastwood, Syracuse, Solvay, Syracuse Junction, Baldwinsville, Lamson, South Granby, Sterling, Southwest Oswego.

Kansas City, Mo. Zone: In Jackson County, Mo., Fairmount and Sugar Creek and the corporate limits of Kansas City and Independence. In Clay County, Mo., North Kansas City and Avondale. In Wyandotte County, Kansas: Kansas City, including Fairfax Industrial District, Turner and Welborn. In Johnson County, Kansas: Merriam. Any towns or villages in this area not mentioned are not to be included in this Zone.

Marseilles, Ill. Zone: The corporate limits of Marseilles.

Memphis, Tenn. Zone: The corporate limits of Memphis.

Minneapolis, Minn. Zone: The corporate limits of Minneapolis and St. Paul and the suburbs of Robbinsdale, Columbia Heights, St. Louis Park, Ft. Snelling, West St. Paul and South St. Paul.

Mobile, Ala. Zone: The corporate limits of Mobile.

New Jersey Zone: All of Bergen County, except that part of Washington and Palisades townships which lies east of (and not including) the New York Central (West Shore) Railway. That part of Passaic County which lies east and south of the line of the New York, Susquehanna and Western Railway at (and including) Pompton Lakes, Hudson, Essex, Union and Middlesex Counties. In Somerset County, the townships of North Plainfield, Franklin, Montgomery, Hillsborough, Bridgewater, and Branchburg.

New Orleans, La. Zone: On the North, Lake Pontchartrain; on the East, a line connecting and including Edgelake, Lee,

Chalmette, Meraux, New Home, Story, Campbell, Violet; thence on the South, a line connecting and including Violet, Fort St. Leon, Gretna, Harvey, Powell, Avondale, Waggeman, Witherow; thence on the West, a line connecting and including Witherow, Frelsens, thence to Lake Pontchartrain along the Jefferson and St. Charles Parish Line.

Philadelphia, Pa. Zone: Philadelphia County. In Montgomery County, the townships of Lower Moreland, Upper Moreland, Horsham, Upper Dublin, Cheltenham, Springfield, Whitmarsh, Plymouth, Norriton, West Norriton and Lower Merion. Delaware County except the townships of Concord, Bethel, Birmingham and Thornbury.

Port Wentworth, Ga. Zone: The corporate limits of the following cities or towns in Chatham County, Ga.: Anderson, Bloomingdale, Burroughs, Central Junction, Keller, Melnhard, Montelth, Pooler, Port Wentworth, Savannah and Williams.

Shreveport, La. Zone: The corporate limits of Shreveport, Agers and Bossier City.

South Bend, Ind. Zone: St. Joseph County, Ind.

Vandalia, Ill. Zone: The corporate limits of Vandalia.

York, Pa. Zone: In York County, Pa. all the townships except Lower Chanceford, Peachbottom, Fawn, Hopewell, Shrewsbury, Codorus, Manheim, West Manheim, Franklin, Corroll, Moneghan, Warrington, Washington. The corporate limits of Harrisburg, Steelton and Middletown in Dauphin County. The corporate limits of Columbia and Lancaster in Lancaster County.

Port Neches, Texas Zone: Jefferson County, Texas.*

§ 1346.60 **Appendix B: Maximum prices for asphalt and tarred roofing products—(a) Application.** The provisions of Appendix B apply to all sales of asphalt or tarred roofing products in which the point of destination is within the states of Oregon, Washington, Idaho, Utah, California, Nevada or Arizona or the Territories of Hawaii or Alaska.

(b) **Maximum prices.** The maximum prices in such states and territories on and after December 12, 1941, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on July 2, 1941 (upon the basis of the prices, discounts, charges, and allowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale: *Provided*, That on and after January 6, 1942, the maximum prices in the states of Washington, Oregon, and that part of Idaho north of and including Idaho County, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on August 1, 1941 (upon the basis of the prices, discounts, charges, and al-

lowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

[Paragraphs (a) and (b) as amended January 2, 1942, effective January 6, 1942; 7 F.R. 124]

(c) **Exception.** In sales where the destination of the shipment is Hawaii or Alaska, the seller may quote and charge an f. a. s. price, although his only sales on July 2, 1941, were or would have been on a c. i. f. basis: *Provided*, That such f. a. s. price shall not be higher than the seller's f. a. s. price would have been on July 2, 1941 in the case of sales to Hawaii, or on August 1, 1941 in the case of sales to Alaska.

[Paragraph (c) added by amendment February 7, 1942, effective February 10, 1942; 7 F.R. 935]

Issued this 29 day of November 1941.¹

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 46—RELAYING RAIL

Relaying rails are used extensively in armament plants, as well as in the essential industrial and mining establishments provided for in the Defense Program. The prices of relaying rails have increased sharply since the beginning of 1941. In many instances, the price of relaying rail has been as high or higher than that of new rail. After a thorough investigation by the Office of Price Administration and numerous conferences with all branches of the relaying rail industry, I find that the maximum prices prescribed herein constitute a fair and equitable limitation on prices for relaying rail and are necessary to assure an adequate and even flow of relaying rail into defense channels.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.251 **Maximum prices for relaying rail.** On and after December 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer relaying rail, and no person shall buy, offer to buy, or accept delivery of relaying rail, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.260.*

[§ 1306.251 as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

*§§ 1306.251 to 1306.261, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.252 **Less than maximum prices.** Lower prices than those set forth in

¹ Issued: 6 F.R. 6145. Amended: 7 F.R. 124, 935.

§ 1306.260, Appendix A, may be charged, demanded, paid or offered.*

§ 1306.253 *Evasion.* The price limitations set forth in Price Schedule No. 46 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of relaying rail, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.254 [Revoked February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.255 *Records and reports.* (a) Every person making purchases or sales of relaying rails after January 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the shipping point price paid or received, transportation charges, if any, and the quantity and weight purchased or sold, and (2) the quantity of relaying rail (i) on hand, and (ii) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 46 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(b) *Purchases of relaying rail in excess of 100 gross tons.* Every person other than the consumer, making a purchase of used rail, in quantities in excess of 100 gross tons, not later than 15 days following the purchase shall file with the Office of Price Administration either (1) a certificate from an established, independent inspection bureau, or (2) an affidavit by such purchaser, stating the estimated division of such rail among relaying, rerolling, and scrap rails, as well as such further documents as may be required by the Office of Price Administration: *Provided*, That the rails so purchased shall be subject to any inspection and classification as to quality which may be made by the Office of Price Administration.

(c) *Sales of relaying rail of 25 gross tons or more.* Every seller making a sale to a consumer of relaying rails in quantities of 25 tons or more, shall file with the Office of Price Administration, not later than 15 days after such sale an affidavit from the consumer stating that such rails are to be used for relaying purposes, the quantity, weight per yard, source, shipping point price and delivered price of the shipment.*

[§ 1306.255 as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 46, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 46, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof;

(b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 46; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 46, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 46. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of relaying rail, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.257 *Modification of Price Schedule No. 46.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 46 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by a person complying with Price Schedule No. 46 and all other schedules issued by the Office of Price Administration.*

§ 1306.258 *Definitions.* When used in Price Schedule No. 46, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Relaying rail" means rail, (1) which weighed 35 lbs. or more per yard when new, (2) which is suitable for relaying and (3) which has been submitted to all reconditioning processes, if any, necessary to render it fit for reuse as rail;

(c) "Shipping point" means on board the means of transportation to the buyer, whether truck, freight car, barge, or ship.*

[§ 1306.258 as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.259 *Effective date of Price Schedule No. 46.* This Schedule (§ 1306.251 to 1306.260, inclusive) shall become effective December 2, 1941.*

§ 1306.260 *Appendix A: Maximum prices for relaying rail—(a) maximum prices for relaying rail originating from Class 1 railroads.* The maximum price of relaying rail originating from Class 1 railroads and Class 1 switching or terminal companies shall be \$28.00 per gross ton f. o. b. any station on the selling railroad at the option of the buyer: *Provided*, That when such rail is purchased by dealers or jobbers, such dealers or jobbers may sell, except as provided in paragraph (c) below, such rail at a maximum price of \$30.00 per gross ton f. o. b. shipping point.

(b) *Maximum price for relaying rail originating from sources other than*

Class 1 railroads and Class 1 switching or terminal companies. The maximum price, f. o. b. shipping point, for relaying rail other than rail originating from Class 1 railroads and Class 1 switching or terminal companies, shall be \$30.00 per gross ton minus the lowest railroad freight charge for transporting such rail from the shipping point to the basing point nearest freightwise to the shipping point: *Provided*, That the shipping point price need in no case be less than \$24.00 per gross ton.

The following cities shall be deemed basing points:

Birmingham, Ala.
Boston, Mass.
Buffalo, N. Y.
Chicago, Ill.
Cincinnati, Ohio.
Cleveland, Ohio.
Denver, Colo.
Detroit, Mich.
Duluth, Minn.¹
Houston, Tex.
Kansas City, Mo.
Los Angeles, Calif.
Norfolk, Va.
Philadelphia, Pa.
Pittsburgh, Pa.
Portland, Oreg.
St. Louis, Mo.
San Francisco, Calif.
Savannah, Ga.
Seattle, Wash.

(c) *Maximum prices for relaying rail sold from warehouses.* (1) The maximum price of relaying rail which has been shipped to recognized relaying rail warehouses equipped with machinery for reconditioning and there unloaded, when sold from such warehouse, shall be \$32.00 per gross ton f. o. b. warehouse for quantities of one carload or more; \$2.00 cwt. f. o. b. warehouse for less than carload quantities of 5 tons or more; and \$2.25 cwt. f. o. b. warehouse for quantities of less than 5 tons. There may be added to such maximum price, charges for extras, where furnished pursuant to the purchaser's specifications, as follows: (i) 15¢ per cwt. for cutting to lengths of 10 to 15 feet, inclusive, together with such drilling as may be necessary; (ii) 20¢ per cwt. for cutting to lengths of less than 10 feet together with such drilling as may be necessary; (iii) 5¢ per cwt. for bonding; (iv) 10¢ per cwt. for special drilling.

[Paragraphs (a), (b) and (c) (1) as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

(2) Any person desiring to sell relaying rail pursuant to paragraph (c) herein must file, on or before December 10, 1941, with the Office of Price Administration, a statement indicating that he operates a recognized warehouse equipped with machinery for reconditioning. A storage point or yard, not customarily operated as a warehouse, is not a warehouse within the meaning of this paragraph.

(3) Firm commitments entered into prior to February 7, 1942 for the sale of

¹ Amendment of February 2, 1942, effective February 7, 1942 (7 F.R. 656), revoked Minneapolis, Minnesota as a basing point and substituted Duluth, Minnesota.

relaying rail pursuant to paragraph (c) of this section at prices not exceeding \$1.60 cwt. f. o. b. warehouse for quantities of 25 gross tons and over may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before March 15, 1942.

[Subparagraph (3) added by amendment February 7, 1942, effective February 7, 1942; 7 F.R. 904]

(d) *Commissions.* Where a purchaser employs the services of an agent in the purchase of relaying rails, and such agent has no beneficial interest in the seller as an employee or otherwise, the purchaser may pay such agent a commission not exceeding \$1.00 per gross ton. Where such a commission is paid the amount thereof may be added to the maximum prices set forth in subdivisions (a), (b) and (c) above.*

[Paragraph (d) added by amendment February 2, 1941, effective February 7, 1942; 7 F.R. 656]

§ 1306.261 *Geographical application.* The provisions of Price Schedule No. 46 shall apply only to sales, offers to sell or deliveries of relaying rails moving within, into or out of one of the 48 States of the United States or the District of Columbia.*

[§ 1306.261 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 656]

Issued this 2d day of December 1941.*

LEON HENDERSON,
Administrator.

PART 1347—PAPER AND PAPER PRODUCTS REVISED PRICE SCHEDULE NO. 47—OLD RAGS

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined after an exhaustive investigation and after conferences with representatives of all branches of the trade, that the defense effort has placed an increasing burden upon the supply of old rags since it is a basic raw material in the manufacture of roofing and building material, that additional demands have been made upon the supply of old rags due to the fact that old rags are used in the manufacture of many high grades of paper, and that the large percentage of old rags previously imported has been shut off by the war.

Inflationary price rises threaten, and immediate action to prevent disastrous price spiraling is essential. The establishment of maximum prices for old rags is essential in order to accomplish these purposes and is in the interest of national defense and national welfare. The maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1347.101 *Maximum prices for old rags.* On and after December 20, 1941,

regardless of the terms of any contract of sale or purchase, or other commitment, in the continental United States, no person shall sell, offer to sell, deliver, or transfer old rags, and no person shall buy, offer to buy, or accept delivery of old rags at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1347.110, 1347.111, and 1347.112.*

[§ 1347.101 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

*§§ 1347.101 to 1347.112, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1347.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1347.110 and 1347.111) may be charged, demanded, paid or offered.*

§ 1347.103 *Evasion.* The price limitations set forth in Price Schedule No. 47 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of old rags, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.104 *Records.* Every person making purchases or sales aggregating ten tons or more of old rags in any one month after December, 1941 shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale made during such month and each month thereafter, showing the date thereof, the name of the buyer and of the seller, the prices paid or received, and the quantity and grade or grades so purchased or sold. Such records shall set forth separately the f. o. b. point of shipment price and the transportation charge. Persons affected by Price Schedule No. 47 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[Headnote of § 1347.104 changed from "Records and reports" by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.104a *Reports*—(a) *By persons engaged in the selling or brokerage of old rags.* All persons engaged in the selling or brokerage of old rags and required by § 1347.104 to keep records shall, on or before February 10, 1942, and on or before the 10th day of each month thereafter, file under oath a report on Form 147:2 setting forth (1) the tonnage of old rags covered by Appendices A and B (§§ 1347.110, 1347.111) and all other old rags delivered during the month preceding the month in which the report is filed, and (2) the net inventory of old rags covered by Appendices A and B (§§ 1347.110, 1347.111), and all other rags on hand at the end of such month.

On or before February 10, 1942, all persons engaged in the selling or brokerage of old rags and required by § 1347.104 to keep records shall also file the monthly statement required above for each month during the period beginning December 1, 1939, and ending January 31, 1942.

(b) *By consumers of old rags.* On or before February 10, 1942, and for each succeeding month thereafter, all consumers of old rags required by § 1347.104 to keep records shall file under oath a report on Form 147:3 for the month preceding the filing of such report setting forth: (1) the total amount of old rags consumed during such month and (2) the inventory on hand at the end of such month.

On or before February 10, 1942, all consumers of old rags required by § 1347.104 to keep records shall submit to the Office of Price Administration a tabulation of their total consumption and end-of-month inventories of old rags and new cuttings for each month for the period beginning December 1, 1939, and ending January 31, 1942. These reports, insofar as practicable, should be filed for separate manufacturing units and the figures should be allocated to the particular manufacturing unit to which they apply.*

[§ 1347.104a added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.105 *Affirmation of compliance.* All persons who are required by § 1347.104 to keep records, shall transmit, on or before the 20 day of January, 1942, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 147:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with Price Schedule No. 47 or with any exception therefrom or modification thereof. Copies of Form 147:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" x 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 47, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 47, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 47, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 47 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 47. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the

*Issued: 6 F.R. 6185. Amended: 7 F.R. 656, 809, 904.

maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of old rags or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1347.107 *Modification of Price Schedule No. 47.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 47 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 47.*

§ 1347.108 *Definitions.* When used in Price Schedule No. 47 the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

[Paragraph (a) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(b) "Old rags" includes the kinds and grades of old cotton rags and roofing rags specified in (§§ 1347.110 and 1347.111), Appendices A and B, of Price Schedule No. 47.

(c) "Consumer" means a purchaser of old rags for his own consumption.

(d) "Broker" means any person who engages in the business of brokering or jobbing of old rags.

[Paragraph (d) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(e) "Foreign Materials" includes every non-rag substance that can not be used in the manufacture of paper, felt, or roofing.

(f) "Carload Lots" means the minimum quantity of rags required to obtain railroad carload rates from the point of shipment to the point of destination.*

§ 1347.109 *Effective date.* This Schedule (§ 1347.101 to 1347.112, inclusive) shall become effective on December 20, 1941.*

§ 1347.110 *Appendix A: Maximum prices¹ for cotton rags.* (a) All prices given below are per short ton F. O. B. point of shipment² for carload lots.³

Grades ⁴	Maximum Prices ⁵ for Old Cotton Rags
No. 1 Whites Repacked ⁶	\$76.00
No. 1 Whites Miscellaneous ⁷	64.00
Mixed Whites ⁸	63.00
No. 2 Whites Repacked ⁹	58.00
No. 2 Whites Miscellaneous ¹⁰	53.00
Twos & Blues Repacked ¹¹	44.00
Thirds & Blues Repacked ¹²	44.00
Thirds & Blues Miscellaneous ¹³	36.00
Satinet Garments ¹⁴	29.00
Old Blue Overalls Miscellaneous ¹⁵	50.00
No. 1 Laundry Bags ¹⁶	135.00
No. 2 Laundry Bags ¹⁷	100.00
No. 1 Old Manila Rope ¹⁸	115.00

¹ Except as provided in § 1347.112, Appendix C.

² Cotton rags are at the point of shipment when loaded on a conveyance for transporta-

tion to the buyer. All prices established by this Appendix are for sales of carload lots of cotton rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f. o. b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

³ For sales of less than carload lots of any or all of the grades of old cotton rags the maximum price shall be a price not in excess of the above established prices less 4%. No. delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

⁴ The highest quality of each grade of old cotton rags covered by Price Schedule No. 47 must be dry and free of rubber, leather, wool, silk, wood, paper or muss, paint, grease, oil, and other foreign materials.

⁵ All prices listed represent the maximum prices for each grade of old cotton rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of old cotton rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in Price Schedule No. 47 are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in § 1347.112, Appendix C, are to be added.

⁶ No. 1 Whites Repacked must contain clean white cotton rags, free of lace curtains, soiled rags, silk, rayon, wool or colored rags.

⁷ No. 1 Whites Miscellaneous shall be the same as No. 1 Whites Repacked except that they may contain not more than 5% of lace curtains, 20% of No. 2 Whites Miscellaneous and 10% colored, silk, rayon, or wool rags.

⁸ Mixed Whites shall be the same as No. 1 and No. 2 Whites Repacked except they shall contain a minimum of 30% No. 1 Whites Repacked.

⁹ No. 2 Whites Repacked shall consist of soiled white cotton rags, free of dump rags, paint, greasy or oily rags, silk, rayon, wool, scorched rags, or other colored rags.

¹⁰ No. 2 Whites Miscellaneous shall be the same as No. 2 Whites Repacked but may contain up to but not more than 25% of silk, rayon, or wool rags, or colored rags of any kind.

¹¹ Twos and Blues Repacked shall be rags of strictly house collection, Mixed Whites, and bleachable colored rags, free of reds, blacks, browns, silks, rayons, or wool.

¹² Thirds and Blues Repacked shall be the same as Twos and Blues Repacked except that Mixed Whites may be eliminated.

¹³ Thirds and Blues Miscellaneous shall be the same as Thirds and Blues Repacked but may contain up to but not more than 25% of reds, blacks, browns, silks, rayons, or wool.

¹⁴ Satinet Garments shall be classified as No. 2 Roofing Rags as defined in § 1347.111, Appendix B.

¹⁵ Old Blue Overalls Miscellaneous shall consist of only clean blue overalls and shall be free of miners' garments and stripped or skeleton garments.

¹⁶ No. 1 Laundry Bags shall consist of clean, white, laundry bags free of all color.

¹⁷ No. 2 Laundry Bags shall consist of soiled white, and off-color laundry bags and may contain laundry bags with colored stripes.

¹⁸ No. 1 Old Manila Rope shall consist of Manila Rope and shall be free of grease, oil, tar, graphite, coal dust, paint, or unsound fiber.

(b) The maximum delivered price for cotton rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

	Per short ton
5 miles or less.....	\$0.50
6 miles to 10 miles.....	.60
11 miles to 15 miles.....	.70
16 miles to 20 miles.....	.80
21 miles to 25 miles.....	.90
26 miles to 30 miles.....	1.00
31 miles to 35 miles.....	1.10
36 miles to 40 miles.....	1.20
41 miles to 45 miles.....	1.30
46 miles to 50 miles.....	1.40
51 miles to 55 miles.....	1.50
56 miles to 60 miles.....	1.60
61 miles to 65 miles.....	1.70
66 miles to 70 miles.....	1.80
71 miles to 75 miles.....	1.90
76 miles to 80 miles.....	2.00
81 miles to 85 miles.....	2.10
86 miles to 90 miles.....	2.20
91 miles to 95 miles.....	2.30
96 miles to 100 miles.....	2.40
101 miles to 105 miles.....	2.50
106 miles to 110 miles.....	2.60
111 miles to 115 miles.....	2.70
116 miles to 120 miles.....	2.80
121 miles to 125 miles.....	2.90
126 miles to 130 miles.....	3.00
131 miles to 135 miles.....	3.10
136 miles to 140 miles.....	3.20
141 miles to 145 miles.....	3.30
146 miles to 150 miles.....	3.40
151 miles to 155 miles.....	3.50
156 miles to 160 miles.....	3.60
161 miles to 165 miles.....	3.70
166 miles to 170 miles.....	3.80
171 miles to 175 miles.....	3.90
176 miles to 180 miles.....	4.00
181 miles to 185 miles.....	4.10
186 miles to 190 miles.....	4.20
191 miles to 195 miles.....	4.30
196 miles to 200 miles.....	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags and if delivered in the seller's vehicle, or by private carrier not owned or controlled by the buyer, the mileage and charge for such delivery.

[§ 1347.110 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.111 Appendix B: Maximum prices¹ for roofing rags. All prices given below are per short ton f. o. b. point of shipment² for carload lots.³

Grades ⁴	Maximum prices ⁵ for roofing rags
No. 1 Roofing Rags ⁶	\$31.00
No. 1S—Seams and Cloth Strippings from Garments ⁷	31.00
No. 2 Roofing Rags ⁸	29.00
No. 3 Jute Bagging ⁹	27.00
No. 4 Brussels and Hard Back Carpets ¹⁰	27.00
No. 5 Roofing Rags: ¹¹	
Quality A	27.00
Quality B	24.00
Quality C	19.00

¹Except as provided in § 1347.112, Appendix C.

²Roofing rags are at the point of shipment when loaded on a conveyance for transportation to the buyer. All prices established by this Appendix are for sales of carload lots of roofing rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f.o.b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

³For sales of less than carload lots of any or all of the grades of roofing rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

⁴The highest quality of each grade of roofing rags covered by Price Schedule No. 47 shall be free of rubbish, shoe cuttings, felt boots, hats, corsets, suspenders, oil cloth, matting, leather, rubber, rope, mackintosh clippings, pasted stock, wool dust, wood, stones, metal of all kinds, tin cans, glass, ashes, bones, excelsior, oily rags, canvas, sisal, packers, fertilizer and charcoal bags, coal and cement sacks; chemical, salt, lime and plaster bags; silk rags and silk stockings, rayon, buffing wheels, rubberized cloth, auto curtains, auto cushions, dirt, felt punchings and trimmings, window shades, cement sacks, jute waste, jute droppings, carpet waste, soft strings, cotton and/or wool filled mattresses or quilts, buckram, and all other foreign materials.

⁵All prices listed represent the maximum prices for each grade of roofing rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of the roofing rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in Price Schedule No. 47 are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in § 1347.112, Appendix C, are to be added.

⁶No. 1 Roofing Rags shall consist of soft rags all containing a percentage of wool; and also Satinet garments, including men's coats, pants, vests, mixed linings, women's coats, sacks and cloth skirts, all of which contain a portion of wool fibre, and shall be free of overalls, khaki, canvas, duck, quilts, seams, and strappings or similar materials.

⁷No. 1S.—Seams and Cloth Strippings from garments shall consist of seams and cloth

strippings from garments and Satinet garments.

⁸No. 2 Roofing Rags shall consist of cotton rags, large and small cotton rags, linings, rag carpets, print rags and stockings, and shall be free of silk rags, rayon, wood and fibre rags.

⁹No. 3 Jute Bagging shall consist of jute bagging and shall be free of fertilizer, charcoal, coal, cement, chemicals of all kinds, lime plaster, salt, jute waste, jute droppings, and bagging with asphalted kraft attached.

¹⁰No. 4 Brussels and Hard Back Carpets shall consist of brussels, hard back carpets, upholstery cuttings and plush cuttings.

¹¹No. 5 Roofing Rags—Quality A.—Shall consist of taller rags and shall be free of rubbish and paper.

Quality B. Shall consist of taller rags and shall contain not more than 10% paper.

Quality C. Shall consist of taller rags and shall contain at least 10% but not more than 50% paper.

(b) The maximum delivered price for roofing rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by any private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

	Per short ton
5 miles or less	\$.50 ¹
6 miles to 10 miles	.60
11 miles to 15 miles	.70
16 miles to 20 miles	.80
21 miles to 25 miles	.90
26 miles to 30 miles	1.00
31 miles to 35 miles	1.10
36 miles to 40 miles	1.20
41 miles to 45 miles	1.30
46 miles to 50 miles	1.40
51 miles to 55 miles	1.50
56 miles to 60 miles	1.60
61 miles to 65 miles	1.70
66 miles to 70 miles	1.80
71 miles to 75 miles	1.90
76 miles to 80 miles	2.00
81 miles to 85 miles	2.10
86 miles to 90 miles	2.20
91 miles to 95 miles	2.30
96 miles to 100 miles	2.40
101 miles to 105 miles	2.50
106 miles to 110 miles	2.60
111 miles to 115 miles	2.70
116 miles to 120 miles	2.80
121 miles to 125 miles	2.90
126 miles to 130 miles	3.00
131 miles to 135 miles	3.10
136 miles to 140 miles	3.20
141 miles to 145 miles	3.30
146 miles to 150 miles	3.40
151 miles to 155 miles	3.50
156 miles to 160 miles	3.60
161 miles to 165 miles	3.70
166 miles to 170 miles	3.80
171 miles to 175 miles	3.90
176 miles to 180 miles	4.00
181 miles to 185 miles	4.10
186 miles to 190 miles	4.20
191 miles to 195 miles	4.30
196 miles to 200 miles	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to

the f. o. b. point of shipment price the actual transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

(c) Maximum prices for rags used in the manufacture of roofing materials and not listed in paragraph (a) above. (1) For any grade of such rags sold during the period from October 1 to October 15, 1941, the maximum price shall be the highest price per ton charged by the seller during the period beginning October 1 and ending October 15, 1941: *Provided, however, That such maximum price shall not be in excess of \$31.00 per short ton.*

Such prices shall be f. o. b. the point of shipment. If the highest price charged during the period from October 1 to October 15, 1941, was on a delivered basis, the maximum price under Price Schedule No. 47 shall be determined by subtracting from such price the total of all actual transportation and other charges which were paid by the seller from the point of shipment.

(2) For any grade of such rags not sold during the period from October 1 to October 15, 1941, prices in excess of \$19.00 per short ton shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such prices for approval by the Office of Price Administration, the seller shall submit complete data on costs involved, together with complete price and cost data on one or more comparable grades sold since October 1, 1940.

[§ 1347.111 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.112 Appendix C; maximum broker's allowance. (a) (1) In the event that a consumer shall purchase rags through a broker, as defined in § 1347.108 (d) hereof, such consumer may pay not more than the maximum price herein and an allowance to the broker not to exceed the brokerage allowances established in paragraph (b) below.

(2) The maximum prices established in (§§ 1347.110 and 1347.111), Appendices A and B, can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, provided the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of rags purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made to the consumer by or through the broker.

(iii) The rags sold by the broker to the consumer have been commercially sorted and baled by a person other than the broker: *Provided*, That in the event a transaction complying with all other requirements of Price Schedule No. 47 involves rags sorted and baled both by the broker and by another person, the broker may charge an allowance only with respect to the tonnage of rags sorted and baled by such other person.

(iv) The broker guarantees the merchantable quality of the rags.

(v) The broker's allowance in such transaction is shown as a separate item in the billing or invoice. This billing or invoice shall contain a statement that the rags covered have not been packed by the jobber and that the charges are not in excess of those established by Price Schedule No. 47.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in Price Schedule No. 47 are strictly complied with.

(b)

Price for grade of rags sold:	Broker's allowance per ton
Up to \$31.00-----	\$1.00
\$31.01 to \$53.00-----	1.50
\$53.01 to \$76.00-----	2.00
\$76.01 to \$115.00-----	3.00
\$115.01 to \$135.00-----	3.50

[§ 1347.112 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

Issued this 6th day of December 1941.¹

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 49—RESALE OF IRON OR STEEL PRODUCTS

Prices in effect on April 16, 1941, have been specified as maximum prices for sale of iron or steel products by producers, under Price Schedule No. 6, as revised on June 21, 1941.² A large proportion of the iron or steel products used in industry passes through the hands of jobbers, dealers, and distributors of various kinds. In some cases, these middlemen have charged exorbitant and unwarranted prices. It is therefore essential that the price charged by these persons, as well as the price charged by the producer, be kept within reasonable limits. To protect both the consumer and the jobbers, dealers, and other distributors who have maintained a reasonable price level, it has been determined by the Office of Price Administration that a Price Schedule covering all resale of iron or steel products should be issued. April 16, 1941, has been selected as the base date, since the maximum price at which the reseller may purchase from a producer has been established as of that date. Pending further investigation of transportation problems, maximum prices for Pacific Coast and Gulf Port prices are being specified.

¹ Issued: 6 F.R. 6307. Amended: 6 F.R. 6740; 7 F.R. 661.

² 6 F.R. 3061; 7 F.R. 785, 930.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.151 *Maximum prices for the resale of iron or steel products.* On and after December 15, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no seller as defined in § 1306.157 (b) of Price Schedule No. 49 shall sell, offer to sell, deliver or transfer iron or steel products, and no person shall buy, offer to buy, or accept delivery of iron or steel products at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1306.159.

Provided, That the provisions of Price Schedule No. 49 shall apply only to sales, offers to sell, deliveries, or transfers of iron or steel products moving within, into or out of one of the 48 states of the United States or the District of Columbia; *Provided further*, That the export provisions of Price Schedule No. 49 shall apply to any sale for delivery outside the 48 states or the District of Columbia.*

[§ 1306.151 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

* §§ 1306.151 to 1306.162, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.152 *Less than maximum prices.* Lower prices than those set forth in § 1306.159, Appendix A, may be charged, demanded, paid or offered.*

§ 1306.153 *Evasion.* The price limitations set forth in Price Schedule No. 49 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of iron or steel products alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise.*

§ 1306.154 *Records and reports—(a) Records of sales, inventory and orders.* Every person making sales, or purchases for resale, of iron or steel products, in quantities dealt in, or on which prices are quoted by established jobbers, dealers, or distributors, after December 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid on each purchase for resale and received on each resale, the quality and grade, the sizes, and the quantity of each product purchased or sold, and (2) the tonnage of iron or steel products on hand and on order, classified by product, in a manner similar to that of Form PD 83 as issued by the War Production Board. A copy of Form PD 83 may be had upon request by applying to the War Production Board.

(b) *Filing prices.* On or before December 31, 1941, every seller of iron or steel products having annual gross sales of \$100,000 or more, even though iron and steel products comprise only a part of the total, during the year ending December 31, 1941, shall file in duplicate, in

affidavit form, with the Office of Price Administration, Washington, D. C., his prices circulated to his salesmen or customers in effect on April 16, 1941, or customarily quoted and charged on that date, including extras lists, deduction lists, charges, and discounts. Special prices or discounts given to any customers and classes of customers as of April 16, 1941, shall be filed. This includes prices or discounts to jobbers, dealers and large, industrial or other special buyers. Every seller shall file individual price sheets for each warehouse or branch, showing city and country prices, wherever such exist; and he shall indicate the area or cities to which such prices apply. In the event that any prices so filed exceed the maximum prices established by Price Schedule No. 49, the seller shall, after the effective date of Price Schedule No. 49, eliminate this excess and charge a maximum price not in excess of the maximum prices established herein. Every seller shall state with regard to his April 16, 1941 price for each product, the range of sizes, types or cross-section covered by each price submitted; trade names, if any, and prices charged; prices for each base quantity; products sold in various quantity brackets, and prices for each bracket. If the person is a seller without prices as of April 16, 1941, (a) because of establishment of business after April 16, 1941, or (b) because of introduction of a product not handled on or prior to April 16, 1941, he shall file a list of his inventory as of December 1, 1941, and prices he proposes to charge for such products. These prices shall not be in excess of the maximum as established by Price Schedule No. 49. Additional filing requirements from Pacific Coast and Gulf Port sellers, and for carload business, are included in other sections of Price Schedule No. 49. Persons affected by Price Schedule No. 49 shall submit such other reports to the Office of Price Administration as it may from time to time require.*

[§ 1306.154 as amended February 2, 1942; effective February 2, 1942; 7 F.R. 705]

§ 1306.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 49, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 49, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 49; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 49 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to

or purchasing from those persons who fail to comply with Price Schedule No. 49. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of resale prices of iron or steel products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.156 *Modification of Price Schedule No. 49.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 49 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications will be considered unless filed by persons complying with Price Schedule No. 49 and other Schedules issued by the Office of Price Administration. Such applications shall be submitted in a separate letter captioned "Application for Relief from Price Schedule No. 49, Resale of Iron and Steel Products," and shall not be contained in any filing of information or prices required to be filed under Price Schedule No. 49.*

§ 1306.157 *Definitions.* When used in Price Schedule No. 49, the term:

(a) "Person" means an individual, partnership, association, trust, corporation or other business entity, including trustees in bankruptcy and receivers;

(b) "Seller" means any person who resells iron and steel products to any other person, whether as distributor, jobber, dealer, agent, broker, merchant, exporter, including any person who acts as an intermediary in any connection with such resale, or otherwise: *Provided*, That:

(i) The term shall not include producers of iron or steel products whose activities are covered by Price Schedule No. 6—Iron and Steel Products, except insofar as such producers operate warehouses, branches, or affiliates engaged in the redistribution of iron or steel products. The operation by producers of mill depots for the purpose of distributing iron or steel products manufactured by such producers shall not be considered a resale within the terms of Price Schedule No. 49, but is a sale covered by Price Schedule No. 6.

(ii) "Seller" as defined herein shall not include retail merchants who sell iron or steel products in quantities smaller than those dealt in or on which prices are quoted by established jobbers, dealers, or distributors.

(c) "Iron or steel product" includes all iron or steel ingots, all semi-finished iron or steel products, all finished hot rolled or cold rolled iron or steel products, and all iron or steel products further finished (by galvanizing, enameling, plating, coating, drawing, extruding, or otherwise) in a manner commonly performed at steel works or rolling mills, and shall include all products listed in the table of Capacity and Production for Sale contained in the Annual Statistical Report of the American Iron and Steel

Institute for 1939, pages 42-43: *Provided*, That the term shall not include pig iron. Any iron and steel products as defined above subject to the operations of pickling, cutting by machine or flame, bending and threading of pipe, shall be considered a part of this definition of iron or steel products. This definition includes primes, seconds, wasters and all other off-grade products including used products. The term "iron or steel products" includes concrete reinforcing bars, and structural steel shapes, but not the fabrication thereof except as Price Schedule No. 49 is otherwise amended;

(d) "Maximum delivered price" means the combination of all factors entering into the final charge to the customer, including base prices, transportation and delivery charges and all extras, deductions and other terms of sale;

(e) "Published listed price" or "published list price" means a price for resale of iron or steel products publicly circulated in the trade, and is confined, except as stated below in § 1306.159 (m) (3), to price lists issued for the cities named and the persons stated in Appendix B, incorporated herein as § 1306.160. If not otherwise stated, the term is meant to apply only to price lists effective as of April 16, 1941. In any "listed city" in which there are several such published listed prices for any product or quantity, the highest of such prices shall be the published listed price herein referred to:

[Paragraph (e) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(f) "Dislocated tonnage" means any shipment to which the terms of § 1306.159 (f) of Price Schedule No. 49 are applicable;

(g) "Governing basing point" means the basing point of producers of iron or steel products included in Price Schedule No. 6, which results in the lowest delivered price to the mill customer;

(h) "Mill base price" means the price at the basing point which governs a sale from a mill by producers of iron or steel products included in Price Schedule No. 6;

(i) "Listed city" means any city named in § 1306.160, Appendix B;

(j) "Unlisted city" means any city or place other than those in § 1306.160, Appendix B;

(k) "Lowest combination" means the lowest delivered price that is the result of a combination of (1) country price of any seller located in any *listed city* and (2) less-than-carload freight from such *listed city*;

(l) "Freight as customarily charged" means that type of freight, either all-rail, rail and water, or all water which is customarily used and which may be used to arrive most economically at the place of delivery;

(m) "Mixed carload" means a bona fide "mixed carload" containing not less than three items of steel of substantial quantity and of different type, such as strip, plates, sheets, bars. (Hot Rolled and Cold Finished bars or Hot Rolled

and Cold Rolled sheets shall be considered as examples of different types of steel products in this definition.)

[Paragraph (m) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(n) "Pacific Coast" means any place within the States of California, Oregon, or Washington;

(o) "Gulf Ports" means all cities and other places located on or near the Gulf of Mexico in the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

(p) "Export agent" means any exporter who acts directly for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (1) take title to the goods being exported, or (2) assume a risk of loss because of demurrage, failure to secure shipping space, or otherwise.

(q) "Export merchant" means any exporter who acts as a principal, directly to a foreign customer, and (1) buys for his own account, and (2) takes title to the goods directly or through an agent and (3) assumes all risk of loss because of demurrage, failure to secure shipping space, damage to the merchandise, or otherwise.*

[Paragraphs (p) and (q) added by amendment January 30, 1942, effective January 30, 1942; 7 F.R. 655]

§ 1306.158 *Effective date of Price Schedule No. 49.* This Schedule (§ 1306.151 to 1306.161, inclusive) shall become effective on December 15, 1941.*

§ 1306.159 *Appendix A: Domestic and export maximum prices for iron and steel products—(a) Maximum delivered prices in any city (whether listed or unlisted), or free delivery area, in which the seller is located.* (1) In any city or free delivery area in which the seller is located, the maximum delivered price for any iron or steel products shall be the delivered price which was or would have been charged by the seller on April 16, 1941. It is provided however:

(i) That in cities designated in § 1306.160, Appendix B, as *listed cities*, the maximum delivered prices shall not exceed the published listed prices, as set out in § 1306.160, Appendix B, in effect as of April 16, 1941, for that city or free delivery area.

(ii) That in *unlisted cities*, the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (a) country prices of any seller named in § 1306.160, Appendix B herein [or as may hereinafter be issued under "General Provisions", § 1306.159 (m) (3)] located in any *listed city*, and (b) less-than-carload freight from such *listed city*.

(2) Extras which were customarily charged as of April 16, 1941, may be computed in the maximum delivered price: *Provided*, That such extras do not exceed those established and charged on April 16, 1941, by sellers listed in § 1306.160 Appendix B of Price Schedule No. 49. Extras listed but not customarily charged as of April 16, 1941, shall not be charged.

Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

[Subparagraph (1) and (2) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(3) Persons not having prices shall compute maximum delivered prices in accordance with paragraph (c) of this section.

(b) *Maximum delivered prices in places other than the city or free delivery area in which the seller is located.* (1) In any place other than a city or free delivery area in which the seller is located, the maximum delivered price for that seller shall be the lowest delivered price that is the result of a combination of (i) country price of any seller named in § 1306.160, Appendix B, herein [or as may hereinafter be issued under "General Provisions", § 1306.159 (m) (3)] located in any listed city and (ii) less-than-carload freight from such listed city. It is provided, however, that in no case shall the maximum delivered price on a sale for delivery into a listed city exceed published listed prices, extras and deductions, as set out in § 1306.160, Appendix B, in effect as of April 16, 1941, for that city or free delivery area.

[Paragraph (b) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(c) *Maximum delivered prices for persons without prices.* (1) In the city or free delivery area in which are located certain persons without prices as of April 16, 1941, because of (a) the establishment of their business after that date, or (b) the introduction of a product not handled on or prior to April 16, 1941, the maximum delivered price for persons having no prices for the product or the quantity being sold shall be:

(i) *In listed cities,* the maximum delivered price shall not exceed the published listed prices, as set out in § 1306.160, Appendix B, [or, as may hereinafter be issued under "General Provisions", § 1306.159 (m) (3)] for that city or free delivery area.

(ii) *In unlisted cities,* the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (a) country prices of any seller named in § 1306.160, Appendix B herein [or as may hereinafter be issued under "General Provisions", § 1306.159 (m) (3)] located in any listed city, and (b) less-than-carload freight from such listed city.

[Paragraph (c) (1) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(2) If a person not having prices sells for delivery into a place other than the city or free delivery area in which he is located, the maximum delivered price shall be set in conformance with paragraph (b) of this section.

(3) Any person who for any reason is unable to set a maximum delivered price in accordance with the terms of Price Schedule No. 49 may apply to the Office of Price Administration to set maximum delivered prices for the sale or series of sales in question.

(d) *Modification of certain April 16, 1941, prices.* (1) Any seller located in listed city or free delivery area to which published listed prices are applicable, if his prices as of April 16, 1941, were lower than such published listed prices, may make application to the Office of Price Administration to increase the maximum delivered price applicable to him in order to correspond to the published listed prices applicable to such listed city or free delivery area. Such application shall be in affidavit form and shall state that the services rendered by such seller are comparable to services rendered by the sellers named in § 1306.160, Appendix B, for such city, in such matters as delivery service, performance of cutting, shearing, bending, threading and similar operations, carrying of a full line of products, of comparable type, grade and quality, etc.

[Paragraph (d) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(e) *Maximum prices for exports of iron or steel products.* (1) The maximum prices which may be charged by any person for iron or steel products sold for export to any place outside the territorial limits of the United States, shall be the maximum prices, as established by Price Schedule No. 49 (§§ 1306.151 to 1306.162 inclusive) and Price Schedule No. 6, f. o. b. inland carrier or warehouse at port of exportation: *Provided,* (i) That if such a sale is made by an export agent, as defined hereinabove, an amount may be added not in excess of 5% of the maximum domestic price as established in Price Schedule No. 49.

(ii) That if such a sale is made by an export merchant, as defined hereinabove, an amount may be added not in excess of 10% of the maximum domestic price as established in Price Schedule No. 49.

(iii) Other export merchants who customarily incur additional foreign costs or expenses in excess of those borne by the export merchant, as defined hereinabove, may apply to the Office of Price Administration for exception, stating reasons why an additional amount should be allowed. The application shall be in the form of an application for relief.

(2) The maximum export price as set forth above in subdivision (ii) shall include and shall not be increased by reason of any fees, commissions, or expenses, including commissions paid to other intermediaries, whether domestic or foreign, demurrage, storage charges, inspection fees, interest or financing charges, or other expenses connected with the transaction. The maximum price as so computed shall not be increased in any c. i. f. price except to the extent of insurance, ocean freight, and consular charges.

(3) The above margins over domestic maximum prices may be taken only by an export agent or export merchant, and not by both, and shall not be shared by any such person with any domestic seller, broker, agent, or other intermediary.

[Paragraph (e) as amended January 30, 1942, effective January 30, 1942; 7 F.R. 655]

(f) *Maximum delivered prices for dislocated tonnage.* In case of shipments by a seller of 150 miles or more, and if shipment is through or into any listed city, or substantially in the same direction and past any listed city, or in case of any shipments by a seller of not less than 350 miles, the maximum delivered price for any iron or steel product so shipped shall be the country price of the seller plus less-than-carload freight as customarily charged less 15¢ per cwt.: *Provided,* That such deduction of 15¢, or any part thereof, does not bring the delivered price on such dislocated tonnage below the maximum delivered price as established in paragraph (b) of this section.

[Paragraph (f) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(g) *Maximum delivered prices on the Pacific Coast and for Gulf Ports; special filing provisions.* (1) Maximum delivered prices on the Pacific Coast shall be as provided in Price Schedule No. 49: *Provided, That:*

(i) On the following products and no others, the sum of 35¢ per cwt. may be added to the maximum delivered price as established in Price Schedule No. 49: plates, universal and sheared, carbon; hot rolled sheets, carbon; hot rolled bars and small shapes, carbon; galvanized, galvanealed, enameling, and galvanized corrugated sheets; floor plates; hot rolled strip, carbon; and structural shapes, carbon. (This 35¢ per cwt. shall not be added to the price of concrete reinforcing bars.)

[Paragraph (g) (i) (1) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(ii) Pending analysis of data to be submitted under provisions of Price Schedule No. 49, on standard pipe, seamless pipe, water well casing, large O. D. pipe, line pipe, wrought iron pipe, oil country tubular goods, and boiler and other pressure tubes in all cases where the rail and water rates to Pacific Coast ports are referred to in § 1306.159 (i) (1, 2, 3, 4, and 5) below these shall be disregarded and the maximum delivered prices on sales of above products at Pacific Coast points shall be the lowest prices resulting from that combination of base prices in effect April 16, 1941, and published all-rail carload freight from that mill basing point which gives the lowest delivered price to destination of customer plus such mark-up as is allowed for each product as set forth below in (i).

(iii) Pending analysis of data to be submitted under provisions of Price Schedule No. 49, sellers located in Gulf Ports shall have a maximum delivered price as established in Price Schedule No. 49 based on sellers' prices in effect as of April 16, 1941.

[Subdivision (iii) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(2) Information from Pacific Coast and Gulf Port sellers is required to be filed with the Office of Price Administra-

tion on Forms 149: 1 and 149: -2, respectively. Copies of Forms 149: 1 and 149: 2 may be had upon request by applying to the Office of Price Administration.

(h) *Maximum delivered prices for specific wire products.* (1) Notwithstanding the provisions of any other section of Price Schedule No. 49, the maximum delivered price of less-than-carload quantities of standard wire nails, annealed smooth wire, and galvanized smooth wire, in the city or free delivery area in which the seller is located, shall be the aggregate of:

(i) Mill straight carload price (after deducting the regular jobber allowance of 15c per cwt.),

(ii) Carload freight from the nearest mill Basing Point to warehouse, and

[Subdivision (ii) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(iii) One of the following: for standard wire nails, 50c per cwt.; for annealed smooth wire, 60c per cwt.; for galvanized smooth wire, 68c per cwt.

(2) The maximum delivered price of less-than-carload quantities of standard wire nails, annealed smooth wire, and galvanized smooth wire at any other place, shall be the price (as computed above) in any city and less-than-carload freight from such city.

(3) On all merchant wire products, whether covered by subparagraphs (1), (2) or (4) of this paragraph, extras charged by jobbers and dealers on merchant wire products shall be the same as regular published mill extras in effect as of April 16, 1941, and deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price. - On standard wire nails, annealed smooth wire and galvanized smooth wire, for which maximum prices are established above, deductions shall be in the same ratio to these maximum prices as they were to prices existing on April 16, 1941.

(4) The maximum delivered prices for less than carload quantities of all other merchant wire products shall be computed as otherwise provided in Price Schedule No. 49.

[Subparagraph (2), (3) and (4) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(5) The maximum prices for mixed or straight carloads of merchant wire products are established by § 1306.159 (k) (3).

(6) This section establishes maximum prices to be charged to dealers and quantity purchasers (as noted below) of merchant wire products, and does not establish a maximum price for sales by retail dealers (such as retail hardware stores, retail lumber yards, or mail order houses) to consumers: *Provided*, That sales by any person of nails in quantities of more than 25 kegs or other merchant wire products in quantities of more than 2500 lbs. shall be governed by the price provisions of Price Schedule No. 49.

(i) *Maximum delivered prices for pipe and tubular products.* Maximum delivered prices for the following types of iron and steel pipe and tubular products shall

be the sellers' prices in effect as of April 16, 1941: *Provided* they do not exceed the maximum delivered prices established below. Standard published mill extras in effect as of April 16, 1941, may be computed in the maximum delivered price: *Provided*, That where such extras were listed but not customarily charged by the seller as of April 16, 1941, they shall not be charged. Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

[Subparagraphs (5) and (6) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(1) For standard pipe, seamless pipe, water well casing, large O. D. pipe, and line pipe: the lowest price resulting from that combination of flat basing card discounts of the National Tube Company in effect April 16, 1941, and published all-rail carload freight from Basing Point to destination of customer (except to Pacific Coast points where the rail and water rate is applicable)² plus:

(i) 25% on standard pipe, reamed and drifted pipe and line pipe 6 inches and smaller, both black and galvanized, and

(ii) 30% on all larger sizes of standard pipe and line pipe, also all sizes of extra strong and double extra strong, both black and galvanized, and all sizes of water well casing and large O. D. pipe.

(2) For wrought iron pipe: the price resulting from combination of resale discounts for sales from distributors' stocks as shown on A. M. Byers Company card in effect April 16, 1941, and published all-rail carload freight from Pittsburgh to destination of customer (except to Pacific Coast points where the rail and water rate is applicable).²

(3) For oil country tubular goods: the lowest price resulting from that combination of Basing Point prices as published by Oil Well Supply Co., distributor for National Tube Company, in effect on April 16, 1941, (Oil Country Tubular Goods Price List No. 24) and carload freight or transportation charges to destination of customer as computed in National Tube Co. Freight Book No. 1.²

(4) For boiler and other pressure tubes: the lowest price resulting from that combination of Basing Point prices in each quantity bracket of the National Tube Company Price List for sales to consumer in effect April 16, 1941, and less-than-carload freight from Basing Point to destination of customer (carload freight shall be charged on shipments of 40,000 lbs. and over):² *Provided*, That maximum prices for merchant and other tubes shall be in the same ratio to the maximum prices established for seamless tubing as existed on April 16, 1941. In no case shall these prices exceed the maximum established here for seamless tubing.

[Subparagraph (4) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

² Special provisions for maximum delivered prices at Pacific Coast points for iron and steel pipe and tubular products are contained in paragraph (g) (ii) of this section.

(5) For cold drawn seamless and other mechanical tubing: the prices in effect and actually charged as of April 16, 1941, by the exclusive distributors of the National Tube Co., covering all sections of the country, shall be the maximum prices to be charged in areas served by each such distributor.

(6) Price Schedule No. 49 does not establish a maximum price for sales to consumers by retail hardware stores or mail order houses in quantities not greater than 5 standard lengths of pipe.

[Subparagraph (6) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(j) *Maximum delivered prices for tool steel.* The maximum delivered price for Tool Steel shall be the seller's prices which were in effect, or would have been charged on April 16, 1941, provided they do not exceed, for comparable products, prices listed in the published price list of Crucible Steel Company, effective on April 16, 1941. The locations of warehouses of the Crucible Steel Company are set forth in § 1306.160, Appendix B, of Price Schedule No. 49.

[Paragraph (j) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(k) *Maximum delivered prices for shipments in carload quantities, and in certain specific cases.* (1) Prices in excess of the mill prices provided under Price Schedule No. 6 shall not be charged by any person for:

(i) Direct shipments from producers or converters of any quantity of iron or steel products; or

(ii) Shipments of any quantity diverted from delivery to warehouses; or

(iii) Shipments of any quantity not put through the operations commonly known as the warehousing of iron or steel products.

(2) Notwithstanding the provisions of any other section of Price Schedule No. 49, shipments of mixed carloads of 40,000 lbs. or more out of warehouse stock, which shipments are made up of a variety of iron and steel items (such as plates, shapes, bars, sheets, special or otherwise, strip, carbon, alloy and stainless) of different types, cross-sections, qualities, or classes, shall not be sold at a price in excess of the maximum delivered price for a 500 lb. quantity minus a discount of not less than \$7.00 per net ton.

(3) Mixed or straight carload of Merchant Wire Products shall be sold at maximum prices not exceeding the published mill base prices established under Price Schedule 6. (Regular jobber allowances given by mills may be retained by seller of such mixed carload)

[Subparagraph (3) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(4) Mixed or straight carloads of 40,000 lbs. or more of pipe and tubular products, including boiler and other pressure tubes and mechanical tubing, shall be sold at maximum delivered prices not to exceed published mill carload prices of such products established by Price Schedule 6: *Provided*, That the above

provision shall not apply to sales of Oil Country Tubular Goods out of distributor's stocks, but shall apply to direct mill shipment.

(5) On shipments of 40,000 lbs. or more out of seller's stock not falling within paragraphs (2), (3) and (4) of this section (except that on rails, these provisions shall apply to shipments of 59,000 lbs. or more) the maximum delivered price shall be the mill price as established under Price Schedule No. 6: *Provided*, That on presentation to the Office of Price Administration of a certificate that such shipment out of seller's stock has been specifically authorized by the War Production Board, a maximum delivered price will be established by the Office of Price Administration.

[Subparagraph (5) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(6) Notwithstanding the provisions of any other section of Price Schedule No. 49, in the case of any shipment of any quantity out of a warehouse stock which has been specifically allocated to the warehouse by the Office of Production Management, and has been there held for reshipment at the direction of the Office of Production Management for use in defense repairs or other defense purposes, the maximum delivered price shall be fixed by the Office of Price Administration upon application for the setting of such maximum delivered price, which application shall contain a sworn statement setting forth the source of such iron or steel products, the Office of Production Management rating or certificate, and the destination to which the Office of Production Management has directed that shipment be made.

(7) Records on any sales of 40,000 lbs. or more of any iron or steel products to any single customer in any calendar month shall be filed with the Office of Price Administration on or before the 15th day of the next succeeding month. This filing shall include a sworn statement of the names and addresses of the buyers, the products and quantities sold, and the price for each quantity.

(1) *Maximum delivered prices for seconds, wasters, off-grade and used products.* The maximum delivered price for all off-grades, seconds, wasters and used iron or steel products after such shearing, cutting, straightening, bending or pickling, as may be necessary, shall be the seller's prices which were or would have been charged on April 16, 1941, provided they do not exceed the maximum delivered price for comparable iron or steel products of prime quality.

[Paragraph (1) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(m) *General provisions.* (1) Delivery and other services of all kinds, credit or other discounts, all freight absorptions (except as otherwise specified in Price Schedule No. 49), all allowances, and all other privileges in effect on April 16, 1941, shall be continued without diminution or extra charge.

(2) Brokers, agents, consignees, distributors without stocks, and other persons acting in sales transactions on behalf of owners of iron or steel products

other than producers, may continue to charge their customary commissions in effect on April 16, 1941: *Provided*, That in such cases where commissions are to be added to the selling price, the result shall not exceed the maximum delivered prices as established by Price Schedule No. 49.*

(3) Whenever the Office of Price Administration publishes prices for any city or free delivery area, they shall on publication become the official published listed prices for such city or free delivery area, and shall supersede references otherwise made in Price Schedule No. 49 for the determination of sellers' maximum prices for such products, either in Appendix B for listed cities, or for unlisted cities. Transportation and delivery charges and all extras, deductions and other terms of sale to continue in effect as established by Price Schedule No. 49, unless specifically stated otherwise in such official published price sheet.*

[Subparagraph (3) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]

§ 1306.160 *Appendix B: Listed cities—*
(a) *Listed cities or free delivery areas in which sellers stock heavy steel line and merchant wire products.*

Baltimore	Scully Steel Products.
Birmingham	Southern Steel Company.
	Moore-Handley Company. ¹
Boston	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Wheeling Corrugating Company. ¹
	Wheelock-Lovejoy & Company.
Buffalo	Jos. T. Ryerson & Son.
	Wheeling Corrugating Company. ¹
	Wheelock-Lovejoy & Company.
Chicago	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Jones & Laughlin Steel Corporation.
	A. M. Castle & Company.
	Hibbard Spencer Bartlett & Company. ¹
	Wheelock-Lovejoy & Company.
Cincinnati	Jos. T. Ryerson & Son.
	Jones & Laughlin Steel Corporation.
	The H. Belmer Company. ¹
	Wheelock-Lovejoy & Company.
Cleveland	Jos. T. Ryerson & Son.
	Scully Steel Products.
	The George Worthington Company. ¹
	Wheelock-Lovejoy & Company.
Detroit	Jos. T. Ryerson & Son.
	Jones & Laughlin Steel Corporation.
	Buhl Sons Company. ¹
	Wheelock-Lovejoy & Company.
Houston	Earle M. Jorgensen Company.
	F. W. Heltmann & Company. ¹
Indianapolis	W. J. Holliday Company.
Los Angeles	A. M. Castle & Company.
	Earle M. Jorgensen Company.
	Ducommun Metals & Supply Company.

*The prices of these firms are published list prices only as to the merchant wire product line.

Memphis	Jones & Laughlin Steel Corporation.
Milwaukee	Jos. T. Ryerson & Son.
	Frankfurth Hardware Company. ¹
New Orleans	Jones & Laughlin Steel Corporation.
	Cahn Brothers & Ryder, Incorporated. ¹
New York	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Jones & Laughlin Steel Corporation.
	Wheelock-Lovejoy & Company.
Norfolk	Eagleston-Parke, Incorporated.
Omaha	Drake - Williams - Mount Company.
Philadelphia	Jos. T. Ryerson & Son.
	Wheeling Corrugating Company. ¹
Pittsburgh	Scully Steel Products.
	Jones & Laughlin Steel Corporation.
	C. A. Turner Company. ¹
St. Louis	Jos. T. Ryerson & Son.
	Scully Steel Products.
St. Paul	Scully Steel Products.
San Francisco	A. M. Castle & Company.
	Earle M. Jorgensen Company.
Seattle	A. M. Castle & Company.

(b) *Listed cities or free delivery areas in which Crucible Steel Company warehouse stocks of tool steel are located.* Atlanta; Boston; Buffalo; Chicago; Cincinnati; Cleveland; Denver; Detroit; Indianapolis; Los Angeles; Milwaukee; Newark; New Haven; New York; Philadelphia; Providence; St. Louis; San Francisco; Seattle; Springfield.

(c) *Listed cities or free delivery areas in which National Tube Company's exclusive distributors of mechanical tubing are located.*

Cambridge	Austin-Hastings Company.
Los Angeles	Ducommun Metals & Supply Company.
New York	Peter A. Frassa & Company,
Buffalo	Incorporated.
Philadelphia	
Cincinnati	E. K. Morris & Company,
	Incorporated.
Chicago	
Detroit	C. A. Roberts Company.
Indianapolis	
St. Louis	
Cleveland	Strong, Carlisle & Hammond.
Atlanta	J. M. Tull Metal Supply Company.
Pittsburgh	Williams & Company.

[§ 1306.160 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

§ 1306.161 *Appendix C: List of products.* The following iron and steel products and their alloys (including stainless) are: "Iron or Steel Products" as defined in Price Schedule No. 6. They are therefore iron or steel products as defined in Price Schedule No. 49, covering resale of iron or steel products. This list does not limit the inclusiveness of the definition. As interpretations are made, this list will be supplemented from time to time.

Ingots
Blooms
Billets
Slabs
Sheet bars
Skelp
Tube rounds
Muck bar
Forging rounds

Bars and small shapes, new billet and rail steel—all types and grades including:

Merchant
Cold finished—carbon
Concrete reinforcing
Alloy—hot rolled; cold finished—
Hoops and baling bands
Tool steel bars (rolled and forged)
Plates—all types
Armor plate—forged, rolled and otherwise
Shapes including bearing piles
Sheets piling and accessories
Rails—all types
Track materials including:
Tie plates
Tie rods
Track spikes
Splice bars (joint bars, angle bars, rail joints, and fish plates)
Ties
Axles, car wheels, or any combination, rolled or forged
Pipe and tube—plain, threaded and coupled—all types and grades, including:
Conduit
Spiral welded
Mechanical tubing
Boiler, pressure, and heat exchanger tubing

Black Plate

Tin plate—all types

Sheets and strip, including plain and corrugated; and roofing and siding of all types; including:

Hot rolled
Cold rolled
Galvanized
Ternes
Enameling
Electrical
All other

Wire rods—all types and grades

Merchant wire, products, including:

Nails, staples, and brads
Merchant quality wire

Wire fencing, including woven, chain link and lawn

Bale ties and buckle wire

Posts—all types and accessories

Poultry and animal farm netting

Twisted barbless and barbed wire

Wire clothes line

Wire rope, wire strand, and special cords such as aircraft

Woven wire cloth—insect, hardware, and all other

Wire belting

Wire hoops

Communications and power transmission wire

Welded or woven wire fabrics for reinforcing

[§ 1306.161 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

§ 1306.162 *Appendix D: Exceptions to Price Schedule No. 49.* The following persons have been granted an exception under the terms of Price Schedule No. 49, which exception has been defined and limited in certain letters. All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such

persons pursuant to such application. Persons interested may secure the terms of such exception on application to the Office of Price Administration.

Name	Date Granted
State Export Company, 24 State Street, New York City	January 30, 1942.
Omni Products Corporation, 347 Fifth Ave., New York City	January 31, 1942.
Overseas Mercantile Company, 14-16 E. 38th St., New York City	January 31, 1942.
First Pan-American Mercantile Company, 19 Rector Street, New York City	December 27, 1941.
	January 6, 1942.
	January 14, 1942.
Import-Export Industries, Inc., 30 Rockefeller Plaza, New York City	January 29, 1942.
R. Maes Export and Import Corporation, 327 E. 29th Street, New York City	December 31, 1941.
T. J. MacDonald, 24 State Street, New York City	January 14, 1942.
Merx Foreign Trade Company, 1270 Sixth Avenue, New York City	December 31, 1941.
	January 8, 1942.
Coronia Trading Corporation, 175 Fifth Avenue, New York City	January 7, 1942.
Industrial Sales Corporation, 295 Madison Avenue, New York City	December 31, 1941.
	January 14, 1942.
	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Lambo Kisselintcheff; and Atlas Trading Corporation, New York City.	
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Wessel-Duval & Company, New York City.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Frederic Rohner.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Lambo Kisselintcheff; and Atlas Trading Corporation, New York City.	January 24, 1942.
M. Paquet & Company, Inc., 17 Battery Place, New York City	January 31, 1942.
Vance Iron and Steel Company, Chattanooga, Tennessee	January 31, 1942.
Fisher Brothers Steel Corporation, 297-305 Morris Avenue, New York City	January 31, 1942.
Wimberly and Thomas Hardware Company, Birmingham, Alabama	January 31, 1942.
Roberts, Sanford & Taylor Company, Sherman, Texas	January 31, 1942.
Van Deren Hardware Company, Lexington, Kentucky	January 17, 1942.
Baker, Hamilton & Pacific Company, San Francisco, California	January 28, 1942.
Horace T. Potts Co., Philadelphia, Pa.	January 31, 1942.

[§ 1306.162 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]
Issued this 13th day of December 1941.

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS REVISED PRICE SCHEDULE NO. 50—GREEN COFFEE

During the past few months, green coffee prices have shown an inflationary increase as a result of changed conditions affecting foreign supplies and shipping facilities. This has occurred despite the fact that stocks in this and producing countries are adequate, and that the import quota for this year is substantially higher than the estimated national consumption. In order to maintain price stability and to prevent price rises, the Office of Price Administration has determined after careful study that the prices set forth below best accomplish these purposes.

[Preamble as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.1 *Maximum prices for green coffee.* (a) On and after December 11, 1941 no person shall sell, offer to sell, deliver or transfer green coffee, and no person shall buy, offer to buy, or accept delivery of green coffee at prices higher than the maximum prices; except that contracts entered into prior to December 11, 1941 providing for a price higher than the maximum prices may be carried out at the contract price.

[Paragraph (a) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

Issued: 6 F.R. 6428. Amended: 7 F.R. 655, 705.

(b) The maximum prices shall include all commissions and all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to opening of business on December 8, 1941, must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required either at the port of entry or in a secondary market, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the maximum prices, provided such commissions have been actually paid.

[Paragraph (b) as amended January 30, 1942, effective January 31, 1942; 7 F.R. 663]

(c) The maximum prices for all types and grades of green coffee shall be as follows:

Country and price in cents per pound ex dock New York City

Brazil: Santos No. 2, 14½; Santos No. 4, 13¾; Rio No. 7, 9¾.

Colombia: Medellin Excelso, 16¾;

Manizles Excelso, 15¾.

Costa Rica: Strictly Hard, 16½; Prime, 16.

Cuba: Good Washed, 14¾.

Ecuador: Extra Superior Unwashed, 11¾.

Guatemala: Strictly Hard, 16½; Good Washed, 14½.

Haiti: Good Washed Sweet, 13¾.

Hawaii: No. 1 Extra Prime, 16½.

Honduras: Good Washed, 15.

Jamaica: 14½.

Mexico: Coatepec, 16½; Tapachula, 15½.

Nicaragua: Matagalpa, 15; Good Washed, 14½.

Peru: Fancy, 15¾.

Puerto Rico: Fancy, 15½; Good Washed, 14½.

Salvador: High Grown Washed, 16; Good Washed, 15½; Superior Unwashed, 13¾.

San Domingo: Good Washed Sweet, 13¾.

Surinam: 7¾.

Trinidad: 14½.

Venezuela: Fancy Washed Caracas, 15½; Standard Unwashed Sweet Maracaibo, 13¾.

Abyssinia: 17.

Belgian Congo: 15½.

Bukoba: 13¾.

Kenya: 16.

Mocha (Arabia): 18½.

Netherlands East Indies: 19½.

Portuguese West Africa: 11¾.

Tanganyika: 15¾.

Uganda: 13.

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for green coffee imported from any other country, or for grades not named of poorer quality, shall be determined by applying the customary trade differentials in effect prior to December 8, 1941.

For aged grades of "extra superior" quality, or for imports from any country of limited amounts of coffee of quality markedly superior to the best grade listed for that country, a premium may be added to the maximum price listed for the corresponding grade, provided such premium is commensurate with trade practices prevailing prior to December 8, 1941.

[Paragraph (c) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

(d) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(e) For any green coffee sold ex warehouse, rather than ex dock New York City or other port of entry, the cost of actually "putting the coffee into the warehouse" as defined in § 1351.7, may be added by the seller who incurred the cost.

[Paragraphs (d) and (e) as amended January 30, 1942, effective January 31, 1942; 7 F.R. 663]

(f) The delivered price for any type or grade of green coffee shall in no case exceed the maximum price plus the ac-

tual transportation charges from the dock or warehouse at New York City or other port of entry to the place of destination.

[Paragraph (f) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

(g) Any person making sales of green coffee in lots of twenty-five bags or less may add to the maximum prices specified above an amount not in excess of 7½ per cent of the comparable selling price of lots of more than twenty-five bags.

[Paragraph (g) as amended January 30, 1942, effective January 31, 1942; 7 F.R. 663]

(h) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Coffee and Sugar Exchange. In such contracts the maximum prices shall be the closing prices on the Exchange as of December 8, 1941 for the months then traded in as listed below. The maximum prices for futures contracts for months, if any, after September 1942, shall not exceed the futures price for September 1942. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

Santos No. 4:	(Cents per pound)
December 1942	12.83
March	12.88
May	12.93
July	12.97
September	13.00
Rio No. 7:	
December 1942	8.26
March	8.55
May	8.65
July	8.75
September	8.85

[Paragraph (h) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

*§§ 1351.1 to 1351.8, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.1a *Sales at retail.* Sales at retail and sales of less than one bag shall be excepted from the operation of Price Schedule No. 50.*

[§ 1351.1a added by amendment December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

§ 1351.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 50 may be charged, demanded, paid or offered.*

§ 1351.3 *Records and reports.* (a) All sellers and all buyers who have entered into contracts, prior to December 11, 1941, for the sale or delivery of green coffee, on or after that date, at prices higher than the maximum prices established by Price Schedule No. 50 shall report all such contracts to the Office of Price Administration on or before January 12, 1942, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) each and every delivery date provided for in the contract; and (d) the price, quantity, and description of the product sold.

When the buyer receives the final shipment called for by the contract he shall report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of green coffee on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 50 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1351.3 as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

§ 1351.4 *Modification of Price Schedule No. 50.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 50 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 50.*

§ 1351.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 50, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 50, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 50; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 50. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of green coffee, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1351.6 *Evasion.* The price limitations set forth in Price Schedule No. 50 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of green coffee, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

[§ 1351.6 as amended December 30, 1941, effective December 29, 1941; 7 F.R. 41]

§ 1351.7 *Definitions.* When used in Price Schedule No. 50, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no roaster, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting coffee into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for not more than thirty days.*

[Paragraphs (b) and (c) added by amendment December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

§ 1351.8 *Effective date of Price Schedule No. 50.* This Schedule (§§ 1351.1 to 1351.8, inclusive) shall become effective on December 11, 1941.*

Issued this 11th day of December, 1941.¹

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER

During the past few months, the prices of cocoa beans, a wholly imported commodity, and cocoa butter have increased sharply as the result of uncertainties in the shipping situation and increases in transportation and insurance costs. This has occurred despite the fact that stocks of cocoa beans are now the largest ever accumulated in this country. Since the high nutritive value of the foods processed from cocoa beans makes them of material importance to both our armed forces and our civilian population, it is essential that any inflationary price rises in this commodity be curbed. The outbreak of hostilities in the Far East on December 7, 1941, gave rise to a sharp increase in speculative activity which caused this Office to issue a temporary freezing order on December 11, 1941, limiting prices to those prevailing on December 8, 1941.

In the intervening weeks, this Office has been engaged in a thorough study of the economic and trade position of cocoa beans and cocoa butter. Due consideration has been given to prices prevailing during the period October 1 to October 15, 1941, and adjustments made for relevant factors.

Therefore, to prevent any future price spiraling and to maintain the stability recently achieved by the trade, the Office of Price Administration hereby issues a permanent Schedule for cocoa beans and cocoa butter.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.* On and after December 11, 1941, no person shall sell,

offer to sell, deliver, or transfer cocoa beans or cocoa butter, and no person shall buy, offer to buy, or accept delivery of cocoa beans or cocoa butter at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1351.61 and 1351.62, except that contracts entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices not higher than the maximum prices contained in Price Schedule No. 51 as effective prior to this Amendment Number 2, and that contracts entered into prior to December 11, 1941, may be carried out at the contract prices.* (See § 1351.60.)

*§§ 1351.51 to 1351.62, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.52 *Export sales.* The maximum prices for cocoa beans or cocoa butter sold for export may exceed the prices set forth in §§ 1351.61 and 1351.62 by no more than ten percent.*

§ 1351.53 *Exempt sales.* Sales of less than one bag of cocoa beans and of less than one bale of cocoa butter, and sales of cocoa butter deodorized or specially treated for pharmaceutical or cosmetic uses, shall be excepted from the operation of Price Schedule No. 51.*

§ 1351.54 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 51 may be charged, demanded, paid, or offered.*

§ 1351.55 *Evasion.* The price limitations set forth in Price Schedule No. 51 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cocoa beans or cocoa butter, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 11, 1941, or by any other means.*

§ 1351.56 *Records and reports.* (a) All sellers and all buyers who have entered into contracts prior to February 3, 1942, for the sale or delivery of cocoa beans or cocoa butter, on or after February 3, 1942, at prices higher than the maximum prices established by Price Schedule No. 51, shall report all such contracts to the Office of Price Administration on or before February 25, 1942, stating (1) the name and address of the buyer and seller; (2) the actual date of the contract; (3) each and every delivery date provided for in the contract; and (4) the price, quantity, and description of the product sold.

After the buyer has received the final shipment called for by the contract he shall then report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of cocoa beans or cocoa butter on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than

one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 51 shall submit such report to the Office of Price Administration as it may from time to time require.*

§ 1351.57 *Modification of Price Schedule No. 51.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 51 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Resolved*, That no applications under this Section will be considered unless filed by persons complying with Price Schedule No. 51.*

§ 1351.58 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 51, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 51, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 51; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local Governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 51 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from, those persons who fail to comply with Price Schedule No. 51. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cocoa beans or cocoa butter, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.59 *Definitions.* When used in Price Schedule No. 51 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Cost of putting cocoa beans into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for not more than thirty days.

(c) "Cocoa beans and cocoa butter sold for export" means sales by a domestic seller directly to a foreign buyer or foreign broker.*

§ 1351.60 *Effective date of Price Schedule No. 51.* This Schedule (§§ 1351.51 to 1351.58, inclusive) shall become effective on December 11, 1941.*

[Preamble and §§ 1351.51 to 1351.62, inclusive, as amended and renumbered, shall become effective February 3, 1942]

¹Issued: 6 F.R. 6373. Amended: 6 F.R. 6432, 6803; 7 F.R. 41, 663.

§ 1351.61 *Appendix A: Maximum prices for cocoa beans.* (a) The maximum prices shall include all import commissions. The maximum prices shall also include all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required, a commission or commission which in the aggregate shall not exceed one percent of the selling price may be added to the maximum prices, provided such commissions have been actually paid.

(b) The maximum prices for cocoa beans shall be as follows:

	Cents per pound ex dock New York City
F. F. Accra (main crop)-----	8.90
F. A. Q. Lagos-----	8.75
Ivory Coast (main crop)-----	8.90
F. A. Q. Cameroons-----	8.70
Fine St. Thome-----	9.25
Superior Bahia-----	8.70
Sanchez-----	8.55
Superior Red Summer Arriba-----	11.50
Superior Seasons Arriba-----	10.75
La Guayra Caracas-----	11.25
Trinidad Caracas-----	12.25
Trinidad Estates-----	13.90
Grenada Estates-----	13.65
Fermented Panama-----	9.35
Fermented Costa Rican-----	9.35
Haiti-----	8.45
Java Estates #1-----	20.25
Ceylon Estates-----	16.75
Samoa-----	16.25

The maximum prices for cocoa beans imported from any other country, or for grades of better or inferior quality not named, shall be determined by applying the customary trade differentials to the maximum price for the grade listed above which is most closely related in quality.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any cocoa beans sold ex warehouse, rather than ex dock New York City or any other port of entry, the cost of actually "putting the cocoa beans into the warehouse" as defined in § 1351.59 may be added by the seller who incurred the cost.

(e) The delivered price for cocoa beans shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other part of entry to the place of destination or to the place of ship loading, if the cocoa beans are intended for export.

(f) Any person making sales of cocoa beans in lots of twenty-five bags or less may add to the maximum prices specified above an amount which shall not exceed 7½ percent of his comparable selling price for lots of more than twenty-five bags.

(g) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Cocoa Exchange. In such contracts the maximum prices shall be the prices listed below. The maximum prices for futures contracts for months, if any, after December, 1942, shall not exceed 8.86 cents per pound. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

	Cents per pound
March-----	8.60
May-----	8.66
July-----	8.71
September-----	8.76
December-----	8.86

§ 1351.62 *Appendix B: Maximum prices for cocoa butter.* (a) The maximum prices for cocoa butter in bales sold in carload lots shall be twenty-five cents per pound f. o. b. factory shipping point.

(b) The delivered price shall in no case exceed the maximum price plus actual transportation charges incurred from the factory shipping point to the place of destination or to the place of shiploading, if the cocoa butter is intended for export.

(c) The following amounts may be added to the maximum price for cocoa butter when packed in:

(1) Cartons—20 cents per one hundred pounds;

(2) Wood cases—\$1.00 per one hundred pounds; and

(3) Tin lined wood cases—\$1.25 per one hundred pounds.

(d) To the maximum price for cocoa butter sold in less than carload lots an amount may be added which shall not exceed the following:

(1) 11,000 pounds to carload lots—0.15 cents per pound;

(2) 2,000 pounds to 10,999 pounds—0.25 cents per pound;

(3) 1,000 pounds to 1,999 pounds—0.40 cents per pound; and

(4) 200 pounds to 999 pounds—1 cent per pound.*

Issued this 11th day of December 1941.†

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS REVISED PRICE SCHEDULE NO. 52—PEPPER

Pepper is one of the imported commodities which in the past have often been sharply influenced by speculative price manipulations. It is the most important and widely distributed spice used by the American housewife and by packing industries. The outbreak of hos-

tilities in the Far East on December 7, 1941, gave rise to a sharp increase in speculative activity which caused this Office on December 11, 1941, to issue a temporary price freezing order, limiting prices to those prevailing on December 8, 1941.

In the intervening weeks, this Office has engaged in a thorough study of the economic and trade position of pepper. Due consideration has been given to the prices prevailing during the period October 1 to October 15, 1941, with adjustments for relevant factors. To prevent further price increases and to maintain the stability recently achieved, the Office of Price Administration hereby issues a permanent price schedule for black and white pepper.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.101 *Maximum prices for pepper.* On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer pepper, and no person shall buy, offer to buy, or accept delivery of pepper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.111, except that contracts entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices not higher than the maximum prices contained in Price Schedule No. 52 as effective prior to this amendment No. 1, and that contracts entered into prior to December 11, 1941, may be carried out at the contract prices.* (See § 1351.110)

*§§ 1351.101 to 1351.111, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.102 *Export sales.* The maximum prices for pepper sold for export may exceed the prices set forth in § 1351.111 by no more than ten per cent.*

§ 1351.103 *Exempt sales.* Sales of pepper at retail and sales of less than one bag of pepper shall be excepted from the operation of Price Schedule No. 52.*

§ 1351.104 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 52 may be charged, demanded, paid, or offered.*

§ 1351.105 *Evasion.* The price limitations set forth in Price Schedule No. 52 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of pepper, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 11, 1941, or by any other means.*

§ 1351.106 *Records and reports.* (a) All sellers and all buyers who have entered into contracts prior to February 3, 1942, for the sale or delivery of pepper, on or after February 3, 1942, at prices higher than the maximum prices established by Price Schedule No. 52, shall report all such contracts to the Office of Price Administration on or before February 25, 1942, stating (1) the name and address of the buyer and seller; (2) the

*Issued: 6 F.R. 6374. Amended: 6 F.R. 6432. Renumbered and amended: 7 F.R. 722. Corrected: 7 F.R. 822.

actual date of the contract; (3) each and every delivery date provided for in the contract; and (4) the price, quantity, and description of the product sold.

After the buyer has received the final shipment called for by the contract he shall then report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in the contract.

(b) Every person making purchases or sales of pepper on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 52 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.107 *Modification of Price Schedule No. 52.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 52 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 52.*

§ 1351.108 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 52, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 52, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see that (a) the Congress and the public are fully informed thereof; (b) the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 52; (c) full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 52 which may be regarded as grounds for the revocation of licenses and permits; and (d) the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 52. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of pepper, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.109 *Definitions.* When used in Price Schedule No. 52 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no grinder, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting pepper into the warehouse" includes (1) "Labor in and out" and (2) warehouse storage charges for not more than thirty days.

(d) "Pepper sold for export" means sales by a domestic seller directly to a foreign buyer and/or foreign broker.*

§ 1351.110 *Effective date of Price Schedule No. 52.* This Schedule (§§ 1351.101 to 1351.108, inclusive) shall become effective on December 11, 1941.

[This Schedule (Preamble and §§ 1351.101 to 1351.111) as renumbered and amended, shall become effective February 3, 1942; 7 F.R. 724.]

§ 1351.111 *Appendix A: Maximum prices for pepper.* (a) The maximum prices shall include all import commissions. The maximum prices shall also include all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the maximum price, provided such commissions have been actually paid.

(b) The maximum prices for pepper shall be as follows:

	Cents per pound ex dock New York City
Lampung Black Pepper.....	6.50
Aleppy Black Pepper.....	8.50
Muntok White Pepper.....	11.50
White Small Berries.....	10.50

The maximum prices for pepper imported from any other country or for grades of inferior quality not named shall be determined by applying the customary trade differentials to the above prices.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City Price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any pepper sold ex warehouse, rather than ex dock New York City or any other port of entry, the cost of actually "putting the pepper into the warehouse" as defined in § 1351.109 may

be added by the seller who incurred the cost.

(e) The delivered price for pepper shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination or to the place of ship loading, if the pepper is intended for export.

(f) Any person making sales of pepper in lots of 100 bags or less may add to the maximum prices specified above an amount which shall not exceed:

5% on sales of 50 to 100 bags
7½% on sales of 25 to 49 bags
10% on sales of 5 to 24 bags
one cent on sales of 1 to 4 bags

(g) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Produce Exchange. In such contracts the maximum prices shall be the prices listed below. The maximum prices for futures contracts for months, if any, after October, 1942 shall not exceed 6.63 cents per pound. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

	Cents per pound
March.....	6.35
May.....	6.43
July.....	6.50
September.....	6.60
October.....	6.63

Issued this 11th day of December 1941.¹

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 53—FATS AND OILS

The outbreak of war has disrupted trade in certain fats and oils with the result that normal price relationships are disturbed and inflationary price increases threaten to develop. Recent speculative activity has added to the danger of serious inflation and price spiraling and has made it necessary to issue immediately a Schedule establishing maximum prices. The general level of prices prevailing on October 1, 1941, is taken as the basis for the maximum prices established by this Schedule and adjustments upward have been made in order to achieve the normal relationships between fats and oils, and for other relevant factors. Certain fats and oils are covered in other Price Schedules and a few others are not covered.

Should unwarranted price rises occur with respect to these other fats and oils or at stages of distribution not covered by this Schedule, appropriate action will be taken by this office.

¹ Issued as §§ 1351.101 to 1351.103, inclusive; 6 F.R. 6375. Sections renumbered and amended: 7 F.R. 724.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.151 *Maximum prices for fats and oils.* (a) On and after December 13, 1941, no person shall sell, offer to sell, deliver, or transfer fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) (1) For any kind, grade or quality of fat or oil the maximum price shall be the highest price at which the seller sold such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard.....	1.895 cents
(ii) loose lard.....	.675 cents
(iii) leaf lard.....	.49 cents
(iv) steam rendered pork fat....	.79 cents

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of fat or oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard.....	1.895 cents
(ii) loose lard.....	.675 cents
(iii) leaf lard.....	.49 cents
(iv) steam rendered pork fat....	.79 cents

(3) If the maximum price cannot be determined under either paragraph (b) (1) or (b) (2), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard.....	1.895 cents
(ii) loose lard.....	.675 cents
(iii) leaf lard.....	.49 cents
(iv) steam rendered pork fat....	.79 cents

(4) If the maximum price cannot be determined under paragraph (b) (1), (b) (2), or (b) (3), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made, making adjustments for the customary differential between the price in such market and the price in

the locality of the seller's shipping point: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard.....	1.895 cents
(ii) loose lard.....	.675 cents
(iii) leaf lard.....	.49 cents
(iv) steam rendered pork fat....	.79 cents

(5) If the maximum price determined under the above paragraphs is less than 111 per cent of the price at which the same kind of fat or oil of the same grade and quality was sold by the seller, or was sold in the locality of the seller's shipping point, or in the nearest market, as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 per cent of such November 26 price.

(c) The above prices shall be the maximum prices for all transactions except for cottonseed oil futures contracts traded on the New York Produce Exchange and on the New Orleans Cotton Exchange and lard futures contracts traded on the Chicago Board of Trade. For such contracts the maximum prices on each exchange shall be the closing bid prices on such exchanges as of October 1, 1941. The maximum prices for futures contracts for months; if any, after September 1942, shall not exceed the futures price for September 1942. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

(d) The maximum prices for both domestic and imported fats and oils determined under paragraph (b) shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

(e) The maximum prices established by Price Schedule No. 53 for fats and oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation.

Increases in such charges may be added only if such charges have been actually incurred by the seller on such sale. Decreases in such charges shall be subtracted from the maximum prices established by Price Schedule No. 53.*

*§§ 1351.151 to 1351.158, inclusive, Assued pursuant to the authority contained in E. O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.151a *Exempt sales.* Sales of fats and oils products in the finished form, sales of refined fats and oils (except coconut oil) through wholesale and retail channels and directly to the baking, restaurant, hotel and other cooking trades, and sales of lards destined for human consumption without further processing are exempt from the operation of Price Schedule No. 53.*

§ 1351.152 *Less than maximum prices.* Lower prices than the maximum prices

established by Price Schedule No. 53 may be charged, demanded, paid, or offered.*

§ 1351.153 *Evasion.* The price limitations set forth in Price Schedule No. 53 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.154 *Records and reports.* Every person making any sale of fats or oils on and after December 13, 1941, except sales exempted under § 1351.151a, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality and amount sold.

Every person affected by Price Schedule No. 53 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 53, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 53, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 53; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 53 which may be regarded as grounds for the revocation of licenses and permits and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 53. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of fats and oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.156 *Modification of Price Schedule No. 53.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 53 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 53.*

§ 1351.157 *Definitions.* When used in Price Schedule No. 53; the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Fats and oils" means all of the raw, crude, and refined fats and oils, their by-products, and derivatives, and greases, except linseed oil, peanut oil, soy bean oil, "essential" oils, mineral oils, butter, and cocoa butter.

(c) "Fats and oils products in the finished form" means those products the whole or substantial part of which are manufactured from fats or oils, which are sold for use or consumption without further processing and the manufacturing process of which includes more than filtering, refining, or deodorizing, or splitting, or dividing into component parts, for example, shortening, soap, paint, margarine, salad dressing, and mayonnaise.

(d) "Refined fats and oils" means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, margarine oil, salad oil, prime summer yellow, and/or bleachable cottonseed oil, oleo oil, and oils used for the technical and protective coating trades.

(e) In the phrase, "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.*

§ 1351.158 *Effective date of Price Schedule No. 53.* This Price Schedule (§§ 1351.151 to 1351.158, inclusive) shall become effective on December 13, 1941.*

[This Schedule as amended (Preamble and §§ 1351.151 to 1351.158, inclusive) shall become effective February 4, 1942]

Issued this 12th day of December, 1941.†

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS REVISED PRICE SCHEDULE NO. 54—DOUGLAS FIR PEELER LOGS

Douglas fir peeler logs are the primary raw material in the manufacture of Douglas fir plywood. An earlier ceiling on peeler logs, incorporated in Price Schedule No. 13 with Douglas fir plywood, was in the form of a schedule establishing as maximum prices the prices prevailing on May 1, 1941. An interim amendment advanced the base date to prices prevailing on August 1, 1941. Subsequent investigation has made it possible to state maximum prices in dollars and cents terms.

* Issued: 6 F.R. 6409. Renumbered and amended: 7 F.R. 81. Amended: 7 F.R. 756. Corrected: 7 F.R. 1009.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.201 *Maximum prices for Douglas fir peeler logs.* On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer Douglas fir peeler logs to manufacturers of plywood, and no manufacturer of plywood shall buy, offer to buy, or accept delivery of Douglas fir peeler logs, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as section 1312.209.*

* §§ 1312.201 to 1312.209, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.202 *Less than maximum prices.* Lower prices than those set forth in § 1312.209, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.203 *Evasion.* The price limitations set forth in Price Schedule No. 54 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of peeler logs, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on August 1, 1941, or by any other means. If peeler logs are included in any shipment together with logs of other grades at a flat or average price, the percentage of peeler logs and the price therefor shall be separately stated in the invoice. Any attempt to secure a higher price for peeler logs by the device of charging a flat or average price which involves an unusual and excessive price for other grades included in the shipment shall be treated as an evasion of Price Schedule No. 54. If peeler logs are sold "camp run," rather than on grades, the "camp run" price shall not exceed the maximum price for the logs if sold on grades.*

§ 1312.204 *Records and reports.* Every person who shall sell to a manufacturer of plywood, and every manufacturer of plywood who shall buy, 100,000 ft. log scale or more of Douglas fir peeler logs during any calendar month, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale, showing the date thereof, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of peeler logs (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 54 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.205 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 54, or in the event of any evasion or attempt

to evade the price limitations or other provisions of Price Schedule No. 54, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 54; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 54 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 54. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir peeler logs, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.206 *Modification of Price Schedule No. 54.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 54 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 54.*

§ 1312.207 *Definitions.* When used in Price Schedule No. 54, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Douglas fir" means the botanical species of *Pseudotsuga taxifolia*.

(c) "Douglas fir peeler log" means a Douglas fir log suitable for the manufacture, by rotary cutting, of Douglas fir plywood, whether it is actually so used or not.

(d) "Deliver" means to make physical transfer of logs to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser to whom the logs have been sold.

(e) "District" means any one of four districts, as follows:

Puget Sound district, including all counties in the State of Washington lying west of the crest of the Cascade Mountains except those named in the Gray's Harbor and Columbia River districts;

Gray's Harbor district, including the counties of Gray's Harbor and Pacific in the State of Washington;

Columbia River district, including the counties of Wahkiakum, Cowlitz, Clarke, and Skamania in the State of Washington and Clatsop, Columbia, Washington, Clackamas, and Hood River in the State of Oregon;

Willamette Valley district, including all counties in the State of Oregon lying

west of the crest of the Cascade Mountains except those named in the Columbia River district.

(f) "Price" means the delivered price, including freight and commissions to wholesalers, commission salesmen, or others. The price in the Puget Sound district means the price delivered in the waters of Puget Sound; the price in the Gray's Harbor district means the price delivered in the waters of Gray's Harbor; the price in the Columbia River district means the price delivered in the waters of the Columbia River; and the price in the Willamette Valley district, means the price delivered at the factory of the buyer. When logs are sold out of one district for delivery in another, the maximum prices and the grades shall be those of the district in which the buyer takes possession of the logs.

(g) "Peeler grade," "No. 1 selected for peeling," "No. 2 selected for peeling," and "core" shall mean such grades as understood between buyer and seller in the particular district on August 1, 1941.*

§ 1312.208 *Effective date of Price Schedule No. 54.* This Schedule (§§ 1312.201 to 1312.209, inclusive) shall become effective on December 20, 1941.*

§ 1312.209 *Appendix A: Maximum delivered prices per M. ft. l. s.*

Puget Sound district:

No. 1 log selected for peeling, minimum diameter 30"	\$40.00
No. 2 log selected for peeling, minimum diameter 30"	35.00
Core log, minimum diameter 26"	27.00

Gray's Harbor district:

Peeler grade, minimum diameter 36"	41.00
No. 1 log selected for peeling, minimum diameter 30"	33.00
No. 2 log selected for peeling, minimum diameter 26"	25.00

Columbia River district:

No. 1 log selected for peeling, minimum diameter 30"	37.50
No. 2 log selected for peeling, minimum diameter 30"	31.50
Core log	24.00

Willamette Valley district:

To obtain maximum prices for Willamette Valley district, take prices given above for Columbia River district, and subtract therefrom the transportation costs which would have been applicable to the shipment had it moved from the logger's loading-out point to the Columbia River market, and then add transportation costs from logger's loading-out point to the plant of the buyer: *Provided*, That regardless of the actual result of such computation, the prices for the Willamette Valley district shall in no event exceed the prices given above for the Columbia River district.

Issued this 12th day of December 1941.¹

LEON HENDERSON,
Administrator.

PART 1330—CONTAINERS

REVISED PRICE SCHEDULE NO. 55—SECOND HAND BAGS

The availability of large quantities of burlap and cotton bags is an important concern of Agriculture and National Defense. Curtailment of the supply of bur-

lap, substantially all of which must be imported from India, is now threatened by the hostilities in the Pacific. The capacity of the cotton textile industry to produce fabrics of the type used for bagging purposes is inadequate to produce sufficient quantities to meet the increased demands of war-time economy, particularly to the extent that cotton bagging may have to be substituted for burlap.

The price of second hand bags has approximately doubled since January 1, 1941. Such increases add to the cost of packaging agricultural and other commodities to an unwarranted extent and cannot serve to augment the supply. Further unjustified price advances are now threatened unless remedial action is taken.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering second hand bags may be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1330.51 *Maximum prices for second hand bags.* (a) On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer second hand bags at prices higher than the maximum prices established herein: *Provided*, That contracts entered into prior to February 16, 1942, at prices in compliance with Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) prior to that date, may be carried out at the contract price: *Provided further*, That deliveries under any contracts executed between February 3, 1942, and February 15, 1942, inclusive, must be completed on or before March 30, 1942.

(b) (1) The maximum price shall be the highest price for which the seller sold, contracted to sell, or delivered during the period between October 1 and October 15, 1941, inclusive, second hand bags of the same type, size, weight, grade, and comparable quantity, to a purchaser of the same general class.

(2) If during the period between October 1, 1941 and October 15, 1941, inclusive, no such sale, contract to sell or delivery was made, the maximum price shall be a price in line with the maximum prices for related or similar types, sizes, weights, and grades of second hand bags determined in accordance with subparagraph (1) above, to purchasers of the same general class.

(c) Applications for permission to sell second hand bags at prices higher than the maximum prices determined in accordance with paragraphs (a) and (b) above, may be made by:

(1) Persons who made no sale, contract to sell, or delivery of second hand bags during the period between October 1, 1941 and October 15, 1941, inclusive; or

(2) Persons whose only transactions during the period between October 1, 1941 and October 15, 1941, were deliveries made pursuant to contracts entered into

prior to October 1, 1941 at prices substantially below the market prices prevailing during said period:

Provided, That no such application shall be considered unless it contains a sworn statement setting forth:

(i) the facts upon which relief is sought;

(ii) a full description of each type, size, weight and grade of second hand bag which the applicant desires to sell;

(iii) a full statement of the relief sought; and

(iv) if such application is filed pursuant to subparagraph (2) above, a statement of the price or prices at which each such type, size, weight, and grade of second hand bags were last sold or delivered, prior to October 15, 1941, and the dates of such sales or deliveries.*

[§ 1330.51 as amended February 3, 1942, effective February 3, 1942; 7 F.R. 755]

*§§ 1330.51 to 1330.60, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1330.52 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 55 may be charged, demanded, paid or offered.*

§ 1330.53 *Evasion.* The price limitations set forth in Price Schedule No. 55 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of second hand bags, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1330.54 *Filing of prices.* On or before March 10, 1942, every person who, during any single calendar month of 1941, sold more than one thousand second hand bags shall file with the Office of Price Administration, a list of all sales, contracts to sell, and deliveries made during the period between October 1, 1941 and October 15, 1941, inclusive, showing with respect to each sale, contract to sell, or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, size, weight, and grade of second hand bags sold, contracted to sell, or delivered; and (d) the price contracted for or received for each type, size, weight and grade of second hand bag.*

[§ 1330.54 as amended February 3, 1942, effective February 3, 1942; 7 F.R. 755]

§ 1330.55 *Records and reports.* Every person making sales of second hand bags after December 16, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (a) of each such sale in aggregate lots of 100 bags or more, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, size, weight and grade of second hand bags sold; and (b) the quantity of each type, size, weight, and grade of second

¹ Issued: 6 F.R. 6408.

hand bags (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 55 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1330.56 *Affirmations of compliance.* On or before the 10th day of January, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold more than one thousand second hand bags, whether for immediate or future delivery, shall submit to the Office of Price Administration an Affirmation of Compliance on Form 155:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 55 or with any exception therefrom or modification thereof. Copies of Form 155:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit Affirmations of Compliance hereunder.*

§ 1330.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 55, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 55, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 55; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 55, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 55. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of second hand bags, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.58 *Modification of Price Schedule No. 55.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 55 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 55.*

§ 1330.59 *Definitions.* When used in Price Schedule No. 55, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Second-hand bag" means a container composed of burlap, jute, sisal, cotton cloth, gunny cloth, or other textile material which has been used once or more to package any product and thereafter emptied, and sold for re-use as a container, and shall include all containers manufactured from any such material which has itself been used once or more as a container or for any other commercial purpose.*

[§ 1330.59 as amended February 7, 1942, effective February 7, 1942; 7 F.R. 906]

§ 1330.60 *Effective date of Price Schedule No. 55.* This Schedule (§§1330.51 to 1330.60, inclusive) shall become effective December 16, 1941.*

Issued this 16th day of December 1941.*

LEON HENDERSON,
Administrator.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 56—RECLAIMED RUBBER

The continuity of imports of crude rubber from the Far East is seriously threatened as a result of the outbreak of war with Japan. It has therefore become necessary to restrict consumption of crude rubber to a filling of military and essential civilian needs. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of all materials that serve as substitutes for crude rubber. The demand for reclaimed rubber, in particular, may be expected to expand sharply, thereby producing strong upward pressure upon its price. The Office of Price Administration has determined after investigation and after conference with members of the industry that an increase in prices above the present levels will not increase the supply of reclaimed rubber.

It is of vital importance to the nation's war effort that the process of substitution of reclaimed rubber for crude rubber should be facilitated in every possible manner by holding the cost of such substitution to a minimum. Consequently, the present emergency demands that maximum prices for reclaimed rubber be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.51 *Maximum prices for reclaimed rubber.* (a) On or after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, reclaimed rubber, and no person shall buy, offer to buy, or accept delivery of reclaimed rubber, at prices higher than the maximum price.

* Issued: 6 F.R. 6456. Amended: 7 F.R. 755, 806.

(b) (1) The maximum price shall be the highest price received by the seller for a sale during the period between November 5, 1941 and December 5, 1941, of reclaimed rubber of the same grade and quality, and of a comparable amount, to the same purchaser.

(2) If no such sale to the same purchaser was made, the maximum price shall be the highest price received by the seller for a sale during such period, of reclaimed rubber of the same grade and quality, and of a comparable amount, to a purchaser previously accorded similar treatment by the particular seller or recognized by the trade as entitled to similar treatment.

(3) If, for any grade and quality of reclaimed rubber, no sale was made during the period between November 5, 1941, and December 5, 1941, either to the same purchaser or to a purchaser so entitled to similar treatment, the maximum price for that grade and quality shall be a price which bears the same relationship to prices actually received by the seller during such period for other grades and qualities, as the price of that particular grade and quality normally bears to prices of such other grades and qualities.

(c) Notwithstanding the provisions of paragraph (b) above, the maximum price for red tube reclaimed rubber shall be as follows:

(1) Delivered to purchaser's plant in carload lots—12 cents per pound;

(2) Delivered to purchaser's plant in less than carload lots—12¼ cents per pound.*

[Paragraph (c) added by amendment January 30, 1942, effective February 5, 1942; 7 F.R. 657]

* §§ 1315.51 to 1315.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.52 *Less than maximum prices.* Lower prices than those set forth in § 1315.51 may be charged, demanded, paid or offered.*

§ 1315.53 *Evasion.* The price limitations set forth in Price Schedule No. 56 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of reclaimed rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 5, 1941, or by any other means: *Provided*, That nothing contained herein shall be construed to require the offering of any cash discount or to prevent the making of sales on a net basis.*

[§ 1315.53 as amended January 30, 1942, effective February 5, 1942; 7 F.R. 657]

§ 1315.54 *Filing of prices.* On or before January 15, 1942, every person who sells reclaimed rubber shall file with the Office of Price Administration:

(a) Any printed price lists or quoted prices, including a complete statement

of all terms and discounts, that were in effect during the period between November 5, 1941 and December 5, 1941.

(b) Prices which he received from each of his purchasers for each of his grades and qualities of reclaimed rubber on all sales made during the period between November 5, 1941 and December 5, 1941.*

§ 1315.55 *Records and reports.* Every person making sales or purchases of reclaimed rubber after December 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade and quality of reclaimed rubber purchased or sold, and (b) the quantity of each grade and quality of reclaimed rubber (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 56 shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1315.56 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person, who, during the preceding calendar month has sold reclaimed rubber, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 156:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 56 or with any exception therefrom or modification thereof. Copies of Form 156:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 56, or in the event of evasion or attempt to evade the price limitations, or other provisions of Price Schedule No. 56, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 56; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 56 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 56. Persons who have evidence of the offer,

receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof are urged to communicate with the Office of Price Administration.*

§ 1315.58 *Modification of Price Schedule No. 56.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 56 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 56.*

§ 1315.59 *Definitions.* When used in Price Schedule No. 56, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Reclaimed rubber" means all kinds, grades and qualities of the rubber material recovered from any vulcanized scrap rubber products.

(c) "Red tube reclaimed rubber" means reclaimed rubber made from red inner tube scrap rubber and having a specific gravity of from 1.15 to 1.32.

[Paragraph (c) added by amendment January 30, 1942, effective February 5, 1942; 7 F.R. 657]

§ 1315.60 *Effective date of Price Schedule No. 56.* The Schedule (§§ 1315.51 to 1315.60, inclusive) shall become effective on December 20, 1941.

Issued this 16th day of December 1941.*

LEON HENDERSON,
Administrator.

PART 1352—FLOOR COVERINGS

REVISED PRICE SCHEDULE NO. 57—WOOL FLOOR COVERINGS

Wool floor coverings are an important item of household furnishings. Between August 1939 and May 1941 prices advanced 23.2% on a weighted average basis. The increase on one popular-priced item amounted to 33% in that period. In June 1941, the Office of Price Administration wrote the manufacturers of wool floor coverings requesting that they not increase prices on their lines to be marketed in the fall. Subsequently, individual voluntary agreements were reached with practically all members of the industry under which they agreed not to increase their prices prevailing on October 13 prior to December 15.

The outbreak of hostilities in the Far East, which is the source of all jute and much wool, the two principal raw materials, has a critical impact on the industry. Trade journal articles, and conferences with industry members, clearly indicate that price increases are planned. Efforts to obtain an extension of the individual voluntary agreements which expire on December 15 have been unsuccessful. In addition, requests by this Office to industry members on November 15 to submit detailed cost and profit data have elicited only a few replies. The cost study will continue. Meanwhile, effective measures must be taken to forestall further increases which may result in unwarranted prices. In order to prevent evasion of Price Schedule No. 57, changes in specifications are restricted.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after January 2, 1942, regardless of the terms of any contract or sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit or wool floor covering at a price higher than the maximum price.*

(a) (1) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, or for any unit differing therefrom only in color or pattern, shall be 105% of the price quoted therein for such unit to the same person or to a person in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of Karastan Rug Mills and Artloom Corporation, the maximum prices for the units of wool floor coverings listed below shall be the prices in effect on February 2, 1942:

Karastan Rug Mills—Karastan, Kara Louvre, and Karashah.

Artloom Corporation—Santoy, Kasharouk, and Home Pride.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1-October 13, 1941, inclusive, or for any unit differing therefrom only in color or pattern, shall be 105% of the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) (1) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1352.4) from any unit referred to in paragraphs (a) and (b) of this section, shall be the price approved in writing by the Office of Price Administration after submission of a report to it by the manufacturer in accordance with § 1352.7 (c); and no sale, offer to sell, delivery, or transfer of such unit shall be made until such approval shall have been given.

(2) *Approved prices.* The maximum prices for the units of wool floor coverings listed below of the designated manufacturers shall be the prices in effect on February 2, 1942:

Philadelphia Carpet Company—Fabric Nos. 592 and 568.

A & M Karagheusian Company—Lake-wood.

Beattie Manufacturing Company—Grayson.

Magee Carpet Company—1612 A Special, Viceroy, Thriftex and Carver.

John Bromley & Sons, Inc.—Broadmoor.

Chas. P. Cochrane Company, Inc.—New Sculptone, Sculptex, Sierra.

Hardwick and Magee—Vernon.

* Issued: 6 F.R. 6455. Amended: 7 F.R.

C. H. Masland & Sons, Inc.—Grayson, Diamontex, Carfax, Marlin, Kendon, Lyndon;

Bigelow-Sanford Carpet Company—Corinthian-Lockweave, Shadowweave, Holden.

Alexander Smith & Sons Carpet Company—Crestwood and Normandie.

[§ 1352.1 as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

*§§ 1352.1 to 1352.12 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1352.2 *Less than maximum prices.* Lower prices than those established in § 1352.1 may be charged, demanded, paid or offered.*

§ 1352.3 *Evasion.* The price limitations set forth in Price Schedule No. 57 shall not be evaded whether by direct or indirect methods in connection with the manufacture of wool floor coverings by deterioration of quality or in connection with a purchase, sale, delivery or transfer of wool floor coverings, alone or in conjunction with any other material, or by way of any service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 13, 1941, or by any other means.*

§ 1352.4 *Change in specifications.* On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering, differing in specifications from:

(a) A unit of wool floor covering in his price list in effect on October 13, 1941;

(b) A unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–December 15, 1941, inclusive; and

(c) A unit of wool floor covering manufactured, or in process of actual weaving, between October 13–December 15, 1941, inclusive;

Provided, That (1) changes may be made in yarn specifications which do not reduce quality, and which, in addition, in the case of pile yarn, do not vary the percentages of wool and each of the other component materials; and (2) other changes may be made in specifications with the permission of the Office of Price Administration upon the submission to it by the manufacturer of satisfactory evidence (i) that the material previously used is unavailable or cannot be procured except (a) at prohibitive cost, or (b) in violation of any priority or allocation order or any regulation of a federal agency; and (ii) that the material substituted is one calculated to preserve quality.*

§ 1352.5 *Change in color or pattern.* Changes in color or pattern, or both, of any unit of wool floor covering may be made.*

§ 1352.6 *Records.* Every manufacturer making sales of wool floor coverings on or after December 16, 1941, shall

keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1352.7 *Reports.*—(a) *Units in price list in effect on October 13, 1941.* On or before January 1, 1942, every manufacturer shall submit to the Office of Price Administration a report on Form 157: 1 showing in the detail required by such form, the units whose maximum prices are determined by § 1352.1 (a), the maximum prices thus established, the name, number or other designation and the specifications of each such unit, and such other information as the form may require. Manufacturers who have already submitted information required on Form 157: 1 need not duplicate such information, but shall fill out such part of the form as is necessary to complete the information required, and shall enclose with the form a reference to the information already submitted. Copies of Form 157: 1 may be procured from the Office of Price Administration.

(b) *Other units sold during the period January 1–October 13, 1941, inclusive.* The maximum price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (b) shall be reported by the manufacturer on Form 157: 2 to the Office of Price Administration within ten days after such unit is delivered to a purchaser (or to a carrier for shipment to the purchaser) for the first time after the effective date of Price Schedule No. 57.

(c) *Other units.* The proposed price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (c) shall be reported by the manufacturer on Form 157: 3 to the Office of Price Administration at least ten days prior to his commencing the actual weaving of such unit, and at least twenty days prior to the date on which he first offers such unit for sale. Where, because of the effective date of Price Schedule No. 57, the report cannot be made within the prescribed time, it shall be made at the earliest possible date.

Persons affected by Price Schedule No. 57 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.8 *Affirmations of compliance.* On or before January 1, 1942, and on or before the first day of July and January thereafter, every manufacturer who is required to keep records of sales under Section 1352.6 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 157: 4 containing a sworn statement that during such period all such sales were made at prices in compliance with Price Schedule No. 57 or with any exception thereof or modification thereof. Copies of Form 157: 4 can be procured from the Office of Price Administration, or provided that no change is made in the style and con-

tent of the form and that it is reproduced on 8 x 10 1/2 inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 57, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 57, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 57; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 57. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.10 *Modification of Price Schedule No. 57.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 57 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this section will be considered unless filed by persons complying with Price Schedule No. 57.*

§ 1352.11 *Definitions.* When used in Price Schedule No. 57, the term:

(a) "Person" means an individual, partnership, association or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures any wool floor coverings;

(c) "Wool floor covering" means a floor covering in a manufacturing state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Unit" means a wool floor covering manufactured and offered for sale as a distinct item, differing in specifications, color, or pattern, from other wool floor coverings manufactured and offered for sale by the same manufacturer;

(e) "Specifications" means (i) construction specifications, which include size, weave, pitch, rows per inch, shot, frames, cut tuft length, and wire size, and (ii) yarn specifications, which include yarn material, yarn size, and ply.

§ 1352.12 *Effective date of Price Schedule No. 57.* This Price Schedule (§§ 1352.1 to 1352.12, inclusive) shall become effective on December 16, 1941.

Issued this 16th day of December 1941.²

LEON HENDERSON,
Administrator.

² Issued: 6 F.R. 6459. Amended: 7 F.R. 124, 907.

PART 1354—WOOL AND WOOL PRODUCERS
REVISED PRICE SCHEDULE NO. 58—WOOL AND
WOOL TOPS AND YARNS

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of clothing and other primary requirements. Hostilities in the Pacific have raised the possibility of interference with the free flow of wool from foreign countries. At the same time there is every likelihood of an increase in the wool requirements of the armed forces of the United States. This combination of circumstances would, unless forestalled, result in a bidding up of the prices of raw wool, wool tops, yarns, waste, and wool by-products and substantially increase the cost of living of the civilian customer. As a measure of public interest it becomes necessary to establish maximum prices for such materials.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, revised schedules covering wool and wool products will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.* (a) On and after February 2, 1942, no person shall sell, offer to sell, deliver or transfer wool or wool tops or yarns at prices higher than the maximum prices established herein: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price for domestic shorn wool shall be the market price prevailing on October 1, 1941, or on December 15, 1941, for the same class, kind, type, condition and grade of domestic shorn wool: *Provided*, That, if there were no such market price, the maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive, of domestic shorn wool of the same class, kind, type, condition and grade, to a purchaser of the same general class. If during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions and grades, determined in accordance with this subparagraph (b) (1), to a purchaser of the same general class.

(2) The maximum price for wool, other than domestic shorn wool, and wool tops and yarns shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive, of such wool or wool tops or yarns of the same class, kind, type, condition, and grade to a purchaser of the same general class:

Provided, That if during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions, and grades of such wool or wool tops or yarns, determined in accordance with this subparagraph (b) (2), to a purchaser of the same general class.

(3) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That in all cases where the price is so increased, the invoice or similar document delivered to the purchaser shall show the amount of such increase.

(c) The maximum prices determined in accordance with paragraph (b) above shall be the maximum prices for all transactions except for grease wool and wool tops futures contracts traded on the Wool Associates of the New York Cotton Exchange, Inc. For such contracts, the maximum prices shall be the highest prices on said Exchange during the period between October 1, 1941 and December 15, 1941, inclusive: *Provided*, That contracts entered into on said Exchange prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price. Such maximum prices are as follows:

Wool Top Futures	Cents 132.7
Grease Wool Futures	103.5

(d) Sales at retail are excepted from the operation of this Schedule.

(e) On and after January 17, 1942, notwithstanding the provisions of paragraphs (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B, C and D hereof, incorporated herein as §§ 1354.10 to 1354.13, inclusive, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B, C, and D: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

[§ 1354.1 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

*§§ 1354.1 to 1354.9, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1354.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 58 may be charged, demanded, paid or offered.*

§ 1354.3 *Evasion.* The price limitations set forth in Price Schedule No. 58 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or wool tops or yarns, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge,

or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1354.4 *Records and reports.* Every person making sales of wool or wool tops or yarns after December 17, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each class, kind, type, condition and grade of wool or wool tops or yarns sold. Every such person shall also on or before February 10, 1942, have available for the Office of Price Administration a record of his prices for all sales and deliveries of wool and wool tops and yarns during the period from October 1, 1941, to December 15, 1941.

Persons affected by Price Schedule No. 58 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

[§ 1354.4 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

§ 1354.5 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold wool or wool tops or yarns, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 158:1 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 58 or with any exception therefrom or modification thereof. Copies of Form 158:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1354.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 58, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 58, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 58; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 58 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services

of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 58. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or wool tops or yarns, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1354.7 *Modification of Price Schedule No. 58.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 58 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 58.*

§ 1354.8 *Definitions.* When used in Price Schedule No. 58, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Wool" means the fibers from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or of the camel, alpaca, llama and vicuna, and shall include noils, wool waste, clips and rags and reworked wool of all grades and mixtures;

(c) "Wool tops" means tops made wholly or in part of wool;

(d) "Yarns" means yarns containing 10% or more wool by fiber weight, except yarns dyed and converted for the hand knitting trade.

[Paragraph (d) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

(e) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.*

§ 1354.9 *Effective date of Price Schedule No. 58.* This Schedule (§§ 1354.1 to 1354.9 inclusive) shall become effective December 18, 1941.*

§ 1354.9a *Effective dates of amendments.* (a) Amendment No. 1 adding a new subparagraph (4) to paragraph (b) of § 1354.1 shall become effective January 10, 1942: *Provided*, That firm commitments entered into prior to January 10, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 1 may be completed at contract prices.

(b) Amendment No. 2 adding a new paragraph (e) to section 1354.1 and adding § 1354.10 shall become effective January 16, 1942: *Provided*, That firm commitments entered into prior to January 16, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 2 may be completed at contract prices.

(c) Amendment No. 3 amending paragraph (e) of § 1354.1 and adding §§ 1354.11 and 1354.12 shall become effective January 17, 1942: *Provided*, That firm commitments entered into

prior to January 17, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 3 may be completed at contract prices.

(d) Amendment No. 4 amending paragraphs (a) and (c) of § 1354.12 shall become effective January 20, 1942: *Provided*, That firm commitments entered into prior to January 20, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 4 may be completed at contract prices.

(e) Amendment No. 5 amending paragraph (e) of § 1354.1 and adding § 1354.13 shall become effective January 29, 1942: *Provided*, That firm commitments entered into prior to January 29, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 5 may be completed at contract prices.

(f) Amendment No. 6 amending §§ 1354.1, 1354.4 and paragraph (d) of § 1354.8 and adding § 1354.9a shall become effective February 2, 1942: *Provided*, That firm commitments entered into prior to February 2, 1942, for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 6 may be completed at contract prices.

[§ 1354.9a added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 725]

§ 1354.10 *Appendix A: Maximum prices for South American wools.*

Table I

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated on a clean basis, duty paid, ex dock or ex warehouse. The maximum prices for such wools scoured or otherwise processed in the United States shall be the prices set forth increased by the customary differentials in effect on December 6, 1941. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one-half of one per cent may be added to the maximum prices set forth below: *Provided*, That the invoice or similar document delivered to the purchaser shall show the amount of such charges.

(a) *Montevideo Greasy Shorn Combing Fleece Wools*

Grade	Super Skirted	Good to Super
64's.....	\$1.10	\$1.07
60-64's.....	1.08	1.05
60's.....	1.07	1.03
58-60's.....	1.05	1.03
1's.....	.99	.97
2's.....	.96	.93
3's.....	.92	.90
4's.....	.70	.70
5's.....	.70	.65
	Lambs	Second Clip
50-60's.....	\$0.85	\$0.87
46-50's.....	.78	.80
40-44's.....	.63	.65

(b) *Buenos Aires Greasy Shorn Wools*

Grade:	Combing fleece
64's (Australian Type).....	\$1.08
60-64's (Regular Type).....	1.03
58-58's.....	.96
50's.....	.93
46-48's.....	.86
44's.....	.66
36-40's.....	.40
Low Cotts.....	.42
	Second clip
58-58's.....	.79
50-58's.....	.73
46-50's.....	.70
44's.....	.62
36-40's.....	.45

(c) *Second Clip Greasy Shorn Wools*

Grade	Pampa	Patagonia and Bahla Blanca
53-60's.....	\$0.85	\$0.87
50-53's.....	.77	.83
45-50's.....	.72	.75
41-45's.....	.55	.55

(d) *Greasy Shorn Chubut Combing Fleece Wools*

Grade:	
64-70's.....	\$1.05
60-64's.....	1.03
60's.....	.99
58's.....	.97

(e) *Greasy Shorn Combing Fleece Wools*

Grade	Brazil	Entre Rios and Corrientes	Santa Cruz	Punta Super	Average	Peruvian
60-64's.....	\$1.02	\$1.03	\$1.03			
58-60's.....	.97	1.00	1.00			
50-58's.....	.94	.96	.96			
46-50's.....	.92	.92	.94			
42-46's.....	.88	.86	.83			
60's.....				\$1.02		
58-60's.....				.98	\$0.96	
50-58's.....				.96	.94	
46-50's.....				.92	.90	
Central 60-64's.....						\$1.00
Central 58-60's.....						.95
Central 50's.....						.90
Central 46's.....						.85
Central 42-46's.....						.83
Regular Merino:						
#1.....						.86
#2.....						.73
Gray.....						.75

Table II

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated in scoured condition, including all scouring costs, free or nearly free of burrs, duty paid, ex dock or ex warehouse. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one-half of one percent may be added to the maximum prices set forth below: *Provided*, That the invoice or similar document delivered to the purchaser shall show the amount of such charges.

(a) *Scoured Foreign Pulled Wool—Montevideo, Buenos Aires, and Brazil*

Grade:	
60-64's Super Clothing & Lambs.....	\$1.03
58-60's Super Clothing & Lambs.....	1.00
56's Super Clothing & Lambs.....	.98
50-55's Super Clothing & Lambs.....	.93
48-50's Super Clothing & Lambs.....	.86
46-48's Super Clothing & Lambs.....	.82
44's Super Clothing & Lambs.....	.68
40's Super Clothing & Lambs.....	.60

(a) Scoured Foreign Pulled Wool—Montevideo, Buenos Aires, and Brazil—Continued

Grade—Continued.	
60-64's Super Shearling.....	\$0.88
58-60's Super Shearling.....	.85
56's Super Shearling.....	.83
50-56's Super Shearling.....	.80
48-50's Super Shearling.....	.70
46-48's Super Shearling.....	.68
44's Super Shearling.....	.60
36-40's Super Shearling.....	.55

Combing—Montevideo, Buenos Aires and Brazil

60-64's Super Combing.....	\$1.05
58-60's Super Combing.....	1.02
56's Super Combing.....	1.00
50-56's Super Combing.....	.95
48-50's Super Combing.....	.88
46-48's Super Combing.....	.85
44's Super Combing.....	.72
40's Super Combing.....	.61

Super Lustre Spring Lambs, 44's quality 4¢ above list, 40's quality 8¢ above list. Inferior and Defective wools proportionately less.

Santa Cruz, Rio Gallegos, Punta, and Chubut

For 50-56's and finer grades, value, 2¢ premium.

All other grades below 50-56's, 7¢ premium. Above comparative grades Montevideo, Buenos Aires, and Brazil list.

Chilean

Grade:	
Lambs & Sheep 56-58's up.....	\$.90
Lambs & Sheep 50-56's.....	.87
Lambs & Sheep 44-50's.....	.78

Cape

64's Choice.....	\$1.05
60-62's.....	1.00
56-58's.....	.98

(b) Wools Imported in the Scoured State
Buenos Aires

Grade	Fleeces	November or March Second Clip	Lambs	Grey
66-68s.....	\$0.98	\$0.91		
66-68s.....	.93	.87	\$0.82	\$0.78
60-68s.....	.88	.86	.80	.75
46-48s.....	.85	.85	.78	.73
40-44s.....	.63	.69	.68	.62
40-36s.....	.55	.61		.52

Chubut, Cordillera, Santa Cruz, Punta, Patagonia

Grade	Fleeces	Best pieces	Pieces and bellies
64s.....	\$1.15		
60-64s.....	1.13	\$0.97	\$0.93
60-68s.....	1.08	.95	.90
56-68s.....	1.03	.92	.89
66s.....	1.00	.90	.86
60s.....	.98	.88	.85
40-48s.....	.94	.84	.82

Peruvian

Grade	Scoured	Washed
Merino.....	\$1.00	\$0.77
#1.....	.93	.72
#2.....	.83	.64
Grey.....	.80	.60

Chilean

56s and up.....	\$0.96
50-56s.....	.91
46-48s.....	.83

[§ 1354.10 added by amendment January 15, 1942, effective January 16, 1942; 7 F.R. 389]

§ 1354.11 Appendix B: Maximum prices for oil combed wool tops. The prices set forth below are maximum prices per pound, f. o. b. combing plant, for oil combed wool tops (15% regain, 3¼% oil) of the types and grades enumerated below of qualities to meet Quartermaster Corps specifications. The maximum prices for dry combed tops shall be the maximum prices set forth below plus 2¼%.

Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Grade	Price per lb.
64s and finer, Domestic.....	1.44
64s and finer, Foreign.....	1.32
64s and finer, Blend (50% domestic and 50% foreign).....	1.38
60s-62s Domestic.....	1.40
60s-62s Foreign.....	1.30
60s-62s Blend (50% domestic and 50% foreign).....	1.35

[§ 1354.11 added by amendment January 17, 1942, effective January 17, 1942; 7 F.R. 400]

§ 1354.12 Appendix C: Maximum prices for yarns for military fabrics—(a) Serge O. D. 18 oz. (light and dark shades).

Price per lb.	
Bradford Spun Domestic.....	\$2.20
Bradford Spun Foreign.....	2.06
Bradford Spun 50% Foreign, 50% Domestic.....	2.13
French Spun Domestic.....	2.28
French Spun Foreign.....	2.14
French Spun 50% Foreign, 50% Domestic.....	2.21
(b) Shirting flannel 10½ oz.: French Spun Domestic.....	1.92
French Spun Foreign.....	1.82
French Spun 50% Foreign, 50% Domestic.....	1.87

(c) Underwear. Merino Yarns, 50% Wool, 50% cotton.

Domestic wool:	
Spun on woolen system.....	\$1.36
Spun on cotton system.....	1.26
Foreign wool:	
Spun on woolen system.....	1.30
Spun on cotton system.....	1.20
50% Foreign wool, 50% Domestic wool:	
Spun on woolen system.....	1.33
Spun on cotton system.....	1.23

[§ 1354.12 added by amendment January 17, 1942, effective January 17, 1942; 7 F.R. 400, and amended January 20, 1942, effective January 20, 1942; 7 F.R. 446]

§ 1354.13 Appendix D: Maximum prices for domestic pulled wools. The prices set forth below are maximum prices per pound f. o. b. shipping point. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) Strictly combing pulled wools.

Grade	Price per lb. choice white clean basis	
	Clean basis	Scoured
58s, 60s 3 inches & over.....		\$1.09
56s, 58s 3 inches & over.....		1.07
54s, 56s 3 inches & over.....		1.01
50s, 54s 3 inches & over.....		.97
50s, 44s 4 inches & over.....		.85

(b) Worsted type pulled wools.

Grade	Price per lb. choice white	
	Clean basis	Scoured
64s, 1½ inches and over.....	\$1.14	\$1.20
62s, 1½ inches and over.....	1.12	1.17
60s, 1½ inches and over.....	1.09	1.14
58s, 2 inches and over.....	1.07	1.12
56s, 2 inches and over.....	1.03	1.08
54s, 2 inches and over.....	.99	1.00
50s, 2 inches and over.....	.92	.96
44s, 60s, 3 inches and over.....	.83	.93

(c) Woolen type and lambs pulled wools

Grade	Price per lb. choice white	
	Clean basis	Scoured
64s, under 1½ inches.....	\$1.10	\$1.16
62s, under 1½ inches.....	1.07	1.13
60s, under 1½ inches.....	1.07	1.12
58s, under 2 inches.....	1.05	1.10
56s, under 2 inches.....	1.01	1.06
54s, under 2 inches.....	.94	.98
50s, under 2 inches.....	.80	.84
44s, 60s under 3 inches.....	.86	.91

(d) Off-color pulled wools

Grade and description	Clean basis	Scoured
Super Grey 60s.....	\$1.00	\$1.05
Super Grey 68s.....	.95	1.00
Super Light Grey 66s.....	.95	1.00
Super Grey 66s, 68s.....	.92	.99
Average Grey 66s.....	.86	.90
Average Grey 60s, 66s.....	.82	.86
Shank Grey 44s, 60s.....	.60	.70
Black 60 and finer.....	1.03	1.08
Black 66s, 68s.....	.95	.99

(e) Adjustments for inferior wool. The maximum prices for inferior wools of the types and grades set forth above shall be the maximum prices set forth above with the following adjustments:

(1) The maximum price for slightly tinged wool shall be 2¢ less than the applicable maximum price.

(2) The maximum price for yellow or heavily stained wools shall be 5¢ less than the applicable maximum price.

(3) The maximum price for seedy or burry wools which, in accordance with established trade practice, do not require carbonizing shall be 3¢ less than the applicable price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above.

(4) The maximum price for seedy or burry wools which, in accordance with established trade practice, require carbonizing shall be 10¢ less than the applicable maximum price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above: *Provided*, That where such wools are sold in a carbonized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as the amount of such charges is set forth in the invoice or a similar document delivered to the purchaser.

(f) *Broker's commissions.* The maximum prices set forth above shall include all commissions and other charges: *Provided*, That where a purchaser employs a broker or other agent to make a purchase on his behalf, a commission of not to exceed 1% may be charged for such services and paid by such purchaser. Such commission shall be permissible only if (1) the wool is purchased at a price in compliance with this Schedule and (2) the commission is not split or divided with the seller or with an agent or employee of the seller.

[§ 1354.13 added by amendment January 29, 1942, effective January 29, 1942; 7 F.R. 624]

Issued this 17th day of December, 1941.¹

LEON HENDERSON,
Administrator.

PART 1353—VEGETABLE FIBERS

REVISED PRICE SCHEDULE NO. 59—KAPOK.

The supply of kapok, used principally for life-saving devices, sleeping bags, mattresses, cushions, upholstery, and sound and thermal insulation, is obtained primarily from the Netherlands East Indies. The uncertainty of further shipments, occasioned by the hostilities in the Far East, may be expected to result in curtailment of the supply, which is already inadequate to meet normal civilian needs for any extended period of time.

Prices of kapok have risen appreciably since December 6, 1941, and a further rise may be expected unless remedial action is taken. Such price increases cannot serve to increase the supply.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering various grades of kapok will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1353.1 *Maximum prices for kapok.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or

transfer kapok, and no person shall buy, offer to buy, or accept delivery of kapok, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1353.11: *Provided*, That contracts entered into prior to February 2, 1942, at prices in compliance with Price Schedule No. 59 (§§ 1353.1 to 1353.10, inclusive) as amended prior to that date, may be carried out at the contract price.*

[§ 1353.1 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

*§§ 1353.1 to 1353.11, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1353.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 59 may be charged, demanded, paid or offered.*

§ 1353.3 *Evasion.* The price limitations set forth in Price Schedule No. 59 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of kapok, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1353.4 *Filing of prices.* On or before January 10, 1942, every seller of kapok shall file with the Office of Price Administration a list of all sales and deliveries made during the period between November 15, 1941, and December 6, 1941, inclusive, showing, with respect to each such sale or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, grade, and quality of kapok sold or delivered; and (d) the price contracted for or received for each type, grade, and quality of kapok.*

§ 1353.5 *Records and reports.* Every person making sales of kapok after December 22, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (a) of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, grade and quality of kapok sold, and (b) the quantity of each type, grade and quality of kapok (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 59 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1353.6 *Affirmations of compliance.* On or before the 10th day of January 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold kapok whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 159:1, containing a sworn statement that during such month all such sales were made at

prices in compliance with Price Schedule No. 59 or with any exception therefrom or modification thereof. Copies of Form 159:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1353.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 59, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 59, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 59; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 59 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 59. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of kapok, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1353.8 *Modification of Price Schedule No. 59.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 59 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this Section will be considered unless filed by persons complying with Price Schedule No. 59.*

§ 1353.9 *Definitions.* When used in Price Schedule No. 59, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Kapok" means the vegetable fiber derived from the species *Ceiba pentandra*, *Ceiba caribaea*, *Ceiba thonnigii*, and *Ceiba guinensis*, regardless of the country of origin.*

§ 1353.10 *Effective date of Price Schedule No. 59.* This Schedule (§§ 1353.1 to 1353.10, inclusive) shall become effective December 22, 1941.*

§ 1353.11 *Appendix A: Maximum prices for kapok.* The maximum prices established by Price Schedule No. 59 (§§ 1353.1 to 1353.11, inclusive) do not apply to kapok sold in quantities of less than one bale or to blown or processed kapok.

¹ Issued: 6 F.R. 6551. Amendment No. 1: 7 F.R. 226; No. 2: 7 F.R. 399; No. 3: 7 F.R. 400; No. 4: 7 F.R. 446; No. 5: 7 F.R. 624. Correction to Amendment 2, 3: 7 F.R. 664. Amendment No. 6: 7 F.R. 725. Correction to Amendment No. 6: 7 F.R. 822.

The maximum prices established herein are gross prices, before discounts of any nature are deducted, and they include commissions and all other charges not specifically permitted herein.

There are two maximum prices for kapok, depending upon the port at which it is unloaded in the United States. The prices set forth in Paragraph (a) below, in Column I, are for kapok actually unloaded at any port on the Atlantic or Gulf Coast. The prices set forth in Column II are for kapok actually unloaded at any port on the Pacific Coast.

(a) *Maximum prices for carload lots.*

Grade	Prices per pound, ex dock port of discharge	
	I Atlantic or Gulf coast (cents)	II Pacific coast (cents)
Estate Kapok.....	20 $\frac{3}{4}$	18 $\frac{3}{4}$
Prime Japara.....	18 $\frac{3}{4}$	16 $\frac{3}{4}$
Average Java.....	17 $\frac{3}{4}$	15 $\frac{3}{4}$
All other Kapok.....	16 $\frac{3}{4}$	16 $\frac{3}{4}$

(b) *Maximum prices for less than carload lots.* For kapok sold in less than carload lots, the following premiums above the prices set forth in paragraph (a) may be charged:

	Cents per pound
Sales of 51-100 bales, inclusive.....	$\frac{1}{4}$
Sales of 11-50 bales, inclusive.....	$\frac{1}{2}$
Sales of 6-10 bales, inclusive.....	$\frac{3}{4}$
Sales of 1-5 bales, inclusive.....	1 $\frac{1}{4}$

(c) *Transportation charges.* Transportation charges may be added to the maximum prices set forth in paragraphs (a) and (b) above, as follows:

(1) *For sales on a delivered basis.* The transportation charges from actual port of discharge to destination: *Provided*, That if delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

(2) *For sales on an f. o. b. shipping point basis.* The actual transportation charges from actual port of discharge to actual shipping point: *Provided*, That if the kapok was transported from port of discharge to actual shipping point in a conveyance other than a commercial carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. *Provided*, That if the maximum prices are so increased, the invoice or similar document delivered to the purchaser shall show the amount of such transportation charges.

(d) *War risk insurance.* Charges for war risk insurance in excess of 2 $\frac{1}{2}$ percent, actually paid with respect to the kapok sold, may be added to the maximum prices set forth in paragraphs (a) and (b) above: *Provided*, That if any such excess war risk insurance charges

are added to the applicable maximum price, the invoice or similar document delivered to the purchaser shall show the amount of such charges.*

[§ 1353.11 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 725]

Issued this 18th day of December 1941.

LEON HENDERSON,
Administrator.

PART 1334—SUGAR

REVISED PRICE SCHEDULE NO. 60—DIRECT-CONSUMPTION SUGARS

Since August 14, 1941, the Office of Price Administration has had in effect a price schedule on raw cane sugars. Until recently this ceiling price has been an effective control on prices in the later stages of the processing and distribution of sugar. With conditions created by the outbreak of war, the prices charged by certain primary distributors and wholesalers have increased sharply in spite of the fact that the price of raw cane sugar has remained constant. To permit the continuation of this situation would be to countenance speculative profits at the expense of the American public. As an emergency measure to correct this situation the Office of Price Administration issues Price Schedule No. 60 to control the maximum prices at which refined and other direct-consumption sugars may be sold to the wholesale and retail outlets. The maximum prices established by Price Schedule No. 60 are set at the levels prevailing just before the recent advent of war and the subsequent unwarranted increases of prices of direct-consumption sugar.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1334.51 *Maximum prices for sales of direct-consumption sugars by primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no primary distributor shall sell, offer to sell, deliver or transfer direct-consumption sugars at prices higher than the maximum prices established by this section. These maximum prices are gross prices and shall include prevailing commissions, discounts, and all other charges.

(a) (1) The maximum basis price for fine granulated sugar processed by continental United States cane sugar refineries shall be \$5.45 per one hundred pounds f. o. b. refinery.

(2) The maximum basis price for fine granulated beet sugar manufactured in the continental United States shall be \$5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(3) (i) The maximum basis price for fine granulated sugar delivered to the continental United States from offshore areas shall be \$5.40 per one hundred

pounds duty-paid basis, f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(ii) The maximum price for turbinado, washed-white, or similar sugar for direct consumption delivered to the continental United States from offshore areas shall be \$5.20 per one hundred pounds duty-paid basis f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(4) The maximum basis price for direct-consumption sugars other than those sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (b) (1) of this section, processed from United States mainland sugar cane, including but not limited to turbinado, plantation white and high-washed sugars, shall be \$5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(5) The respective maximum basis prices established in subparagraphs (a) (1), (a) (2), (a) (3) (i); and (a) (4), of this section shall each be adjusted for grade and package differentials in accordance with the seller's differential therefor published or in effect on December 1, 1941.

(6) The maximum delivered price for each of the sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (a) (4) of this section, respectively, shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the transportation charges per one hundred pounds on a shipment of identical quantity from the refinery from which the lowest established transportation rate applies to the point of delivery. Such transportation rate shall be based on the mode of transportation and routing employed by the basing point refinery on December 1, 1941, in calculating the "freight application" or "selling prepay" to the point of delivery; provided, for deliveries in a refinery city metropolitan area, the maximum delivered price shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the delivery charge per one hundred pounds on an identical shipment based on the cartage rates employed by the seller on December 1, 1941.

(b) (1) The maximum price for direct-consumption raw cane sugar of 96 degrees, polarization, of domestic or foreign origin, shall be \$4.60 per one hundred pounds United States mainland shipping point, including all taxes and duty.

(2) The maximum prices specified in subparagraph (b) (1) of this section, shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to the effective date of Price Schedule No. 60.*

[§ 1334.51 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 226]

*§§ 1334.51 to 1334.60, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

* Issued: 6 F.R. 6616. Amended: 7 F.R. 446, 725.

§ 1334.52 *Maximum prices for sales of direct-consumption sugars at wholesale by persons other than primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer direct-consumption sugars at wholesale, and no person shall buy, offer to buy, or accept delivery of direct-consumption sugars at wholesale at prices higher than the maximum prices established by this section. These maximum prices are gross prices and include prevailing commissions, discounts, and all other charges.

(a) The basic maximum price shall be the highest price at which the seller sold such sugars of similar grade, package, and amount to a similar purchaser during either the period October 6, 1941 to October 11, 1941, inclusive, or the period December 1, 1941, to December 6, 1941, inclusive. The seller may select either period at his option. However, once having selected a period, the seller must use the period selected for all purposes of this section. The maximum price for sugars acquired subsequently at a higher net purchase cost shall be determined by adding to the basic maximum price the amount, if any, by which the said higher net purchase cost exceeds the net purchase cost of the sugars upon which the basic maximum price was based, provided the seller has first sold his entire inventory of lower cost sugars, and provided further, in calculating said maximum prices, the amount by which any net purchase cost exceeds the maximum prices established by § 1334.51 shall not be included.

(b) These maximum prices shall include at least the same absorption of transportation costs, and other charges, and at least the same rendition of services, as were or would have been observed or rendered by the seller on comparable shipments to the same place of destination during the period selected by the seller as provided for in paragraph (a) of this section.

(c) In cases where a person makes sales of such sugars through more than one selling unit, other than salesmen making sales at uniform prices, each such unit shall be deemed to be a separate entity for the purpose of determining the maximum prices established by this section.*

[§ 1334.52 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 225]

§ 1334.53 *Sales at retail.* Sales at retail are excepted from the operation of Price Schedule No. 60.*

§ 1334.54 *Less than maximum prices.* Lower prices than those established in Price Schedule No. 60 may be charged, demanded, paid, or offered.*

§ 1334.55 *Evasion.* The price limitations established by Price Schedule No. 60 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of direct-consumption sugars alone or in conjunction with any other commodity or material or by way of any commission,

service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 1, 1941, for purchasers from primary distributors or during the period selected by the seller as provided for in paragraph (a) of § 1334.52, or by any other means.*

[§ 1334.55 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 225]

§ 1334.56 *Records and reports.* Every person making sales of direct-consumption sugars after December 22, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every sale including the date thereof, the name of the purchaser, the price paid, the grade, package and amount sold, and the date of shipment.

Persons affected by Price Schedule No. 60 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1334.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 60, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 60, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 60; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 60 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 60. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of direct-consumption sugars, or of the hoarding or accumulating of unnecessary inventories, are urged to communicate with the Office of Price Administration.*

§ 1334.58 *Modification of Price Schedule No. 60.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 60 may apply to the Office of Price Administration for approval of any modifications thereof or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with Price Schedule No. 60.*

§ 1334.59 *Definitions.* When used in Price Schedule No. 60, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Direct-consumption sugars" means any grade, or type of saccharine product derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

(c) "Primary distributor" means any person who manufactures direct-consumption sugars or the agent of any such person, or any person who delivers to the continental United States from offshore areas or any person who takes such delivery or the agent of any such person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(d) "At wholesale" means a sale other than a sale by a primary distributor or a sale at retail.

(e) "Sale at retail" means a sale to the ultimate consumer; *provided*, no manufacturer, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(f) a grade, package, amount, or purchaser shall be deemed to be "similar" to another grade, package, amount, or purchaser, respectively, if the seller did or would have charged the same price for or to either during the period December 1, 1941, to December 6, 1941, inclusive.*

[Paragraph (g) revoked by amendment January 9, 1942, effective January 9, 1942; 7 F.R. 225]

§ 1334.60 *Effective date of Price Schedule No. 60.* This Schedule (§§ 1334.51 to 1334.60, inclusive) shall become effective December 22, 1941.*

Issued this 20th day of December 1941.¹

LEON HENDERSON,
Administrator.

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

REVISED PRICE SCHEDULE NO. 61—LEATHER

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of shoes and other leather products. Hostilities in the Pacific have raised the possibility of decreased supplies of imported hides and skins. At the same time there is every likelihood of an in-

¹ Issued: 6 F.R. 6651. Amended: 7 F.R. 225. Corrected: 7 F.R. 351.

crease in the leather requirements of the armed forces of the United States and of an increase in the quantities of leather and of leather raw materials to be furnished to those who are now our allies. This combination of circumstances, unless forestalled, would result in a bidding up of the prices of leather and leather products, which in time would substantially increase the cost of living of the civilian consumer, and at the same time increase the direct cost of the war effort. As a measure of public interest it becomes necessary to establish maximum prices for leather.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering leather will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1314.51 Maximum prices for leather.

(a) On and after December 29, 1941, no person shall sell, offer to sell, deliver or transfer leather at prices higher than the maximum prices established herein; except that contracts entered into prior to December 29, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between November 6, 1941 and December 6, 1941, inclusive, of leather of the same type, quality and grade to a purchaser of the same general class.

(2) If during said period no such sale or delivery was made, the maximum price shall be a price in line with the maximum prices for related types, qualities and grades of leather determined in accordance with subparagraph (1) above, to purchasers of the same general class.

(3) No seller of leather shall increase the maximum prices established by Price Schedule No. 61 by requiring a purchaser to pay transportation or other charges in connection with a sale or delivery of leather which such purchaser would not have borne during said period.

(c) Sales at retail are excepted from the operation of Schedule No. 61.*

*§§ 1314.51 to 1314.60, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1314.52 Less than maximum prices. Lower prices than those established by Price Schedule No. 61 may be charged, demanded, paid or offered.*

§ 1314.53 Evasion. The price limitations set forth in Price Schedule No. 61 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of leather, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous

to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1314.54 Records. Every person making sales of leather after December 29, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, quality and grade of leather sold. Every such person shall also on or before January 10, 1942, have available for inspection by the Office of Price Administration a record of his prices for all sales and deliveries of leather during the period between November 6, 1941 to December 6, 1941.*

§ 1314.55 Reports. Persons affected by Price Schedule No. 61 shall submit such reports to the Office of Price Administration, Washington, D. C., as it may, from time to time, require.*

§ 1314.56 Affirmations of compliance. On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold leather, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 161:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 61 or with any exception therefrom or modification thereof. Copies of Form 161:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1314.57 Enforcement. In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 61, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 61, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 61; (c) that full advantage will be taken of the co-operation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 61, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 61. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort

to evade the provisions hereof, or of speculation, or manipulation of prices of leather, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1314.58 Modification of Price Schedule No. 61. Persons complaining of hardship or inequity in the operation of Price Schedule No. 61 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 61.*

§ 1314.59 Definitions. When used in Price Schedule No. 61, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Leather" means the tanned or processed skins, other than dressed furs, of animals of all types; the term includes shearlings and is applicable to all types, qualities and grades of leather, whether whole pieces or cut stock;

(c) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.*

§ 1314.60 Effective date of Price Schedule No. 61. This Schedule (§ 1314.51 to 1314.60, inclusive) shall become effective December 29, 1941.*

Issued this 24th day of December 1941.¹

LEON HENDERSON,
Administrator.

PART 1358—TOBACCO

REVISED PRICE SCHEDULE NO. 62—CIGARETTES

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. On December 27, 1941, the American Tobacco Company announced a substantial price increase on Lucky Strike cigarettes. Officials of the company were asked by the Office of Price Administration to rescind the increase pending investigation of factors justifying the price advance. This the company refused to do, unless formally required to do so by the Office of Price Administration. Therefore, pending full investigation, the Office of Price Administration hereby limits the price of all brands of cigarettes sold by manufacturers thereof to those levels prevailing on Friday, December 26, 1941. After completion of the studies under way, further action will be taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1358.1 Maximum prices for cigarettes. On and after December 30, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person manufacturing cigarettes shall sell, offer to sell, deliver or transfer any brand of cigarettes at prices higher than

¹ Issued: 6 F.R. 6739.

those charged for such brand by said person for a similar quantity to a similar purchaser on December 26, 1941, or, in the event no sale was made on said date, at prices higher than the prices he would have charged on said date for a similar quantity to a similar purchaser; *except*, that any manufacturer of regular size economy cigarettes may sell such cigarettes at a price not higher than \$5.15 per thousand less 10 percent and 2 percent.*

[§ 1358.1 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 226]

*§§ 1358.1 to 1358.9, inclusive, issued pursuant to the authority contained in E. O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1358.2 *Less than maximum prices.* Lower prices than those charged on December 26, 1941, may be charged by any person manufacturing cigarettes.*

§ 1358.3 *Evasion.* The price limitations set forth in Price Schedule No. 62 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cigarettes, alone or in conjunction with any other commodity or tobacco product, or by way of any commission, service, transportation or other charge, or by combination sales or a tying agreement or other trade understanding, or by making discounts, premiums or coupons given, or other terms of sale more onerous to the purchaser than those available or in effect on December 26, 1941.*

§ 1358.4 *Records.* Every manufacturer of cigarettes making sales of cigarettes after December 30, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each brand of cigarettes sold.*

§ 1358.5 *Reports.* Persons affected by Price Schedule No. 62 shall submit such reports to the Office of Price Administration, as it may from time to time require.*

§ 1358.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 62, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 62, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 62; (c) that full advantage will be taken of the cooperation of the various political subdivisions of federal, state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 62 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule

No. 62. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cigarettes, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1358.7 *Modification of Price Schedule No. 62.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 62 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 62.*

§ 1358.8 *Definitions.* When used in Price Schedule No. 62, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Cigarette" means any rolls of tobacco, or substitute therefor, wrapped in paper or any substance other than tobacco;

(c) "Similar quantity to a similar purchaser" means a purchaser with respect to whom the same price did apply or would have applied for the same brand on December 26, 1941.*

(d) "Economy cigarettes" means cigarettes frequently referred to as ten-cent brands including Avalons, Dominos, Marvels, Paul Jones, Sensations, and Twenty Grands (but not including "king size" economy cigarettes) which are commonly sold for less than such so-called popular brands as Camels, Chesterfields, Lucky Strikes, Old Golds, Philip Morris, and Raleighs.*

[Paragraph (d) added by amendment January 9, 1942, effective January 9, 1942; 7 F.R. 226]

§ 1358.9 *Effective date of Price Schedule No. 62.* This Schedule (§ 1358.1 to 1358.9, inclusive) shall become effective December 30, 1941.*

Issued this 30th day of December 1941.

LEON HENDERSON,
Administrator.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 63—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

The outbreak of war with the Japanese Empire makes uncertain the future shipment of rubber from the Far East and necessitates for the present time a great curtailment in the consumption of rubber for new rubber tires and tubes so that the rubber stockpile already accumulated may be available for military and essential civilian purposes. There are large stocks of new rubber tires and tubes in the hands of retailers, and sales from these stocks are permitted only to those consumers who can demonstrate that it is in the national interest for them to have such new tires or tubes.

* Issued: 6 F.R. 6854. Amended: 7 F.R. 226.

Since July 3, 1941, the Office of Price Administration with the complete cooperation of the members of the tire and tube industry has stabilized, within maximum levels, the wholesale prices received by manufacturers for new rubber tires and tubes. Stabilization of retail prices is now considered essential to the success of the Government's effort to insure that the limited number of new rubber tires and tubes available are used where they are most needed in our economy.

The maximum retail prices set forth in Price Schedule No. 63 are established, after investigation and conferences with members of both the manufacturing and distributive phases of the industry, on the basis of price lists presently used by the industry and which were so used shortly before the outbreak of the war in the Pacific. Observance of Price Schedule No. 63 will be fair to buyers and to sellers alike, and will further the Government's program for the allocation of rubber tires and tubes to consumers.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.101 *Maximum retail prices for new rubber tires and tubes.* On and after January 5, 1942, regardless of the terms of any contract of sale or other commitment, no person shall sell, offer to sell, deliver or transfer, at retail, any new rubber tire or tube, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as § 1315.110 and § 1315.111.*

*§§ 1315.101 to 1315.111, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§ 1315.110 and § 1315.111) may be charged or demanded.*

§ 1315.103 *Evasion.* The price limitations set forth in Price Schedule No. 63 shall not be evaded whether by direct or indirect methods in connection with the sale, delivery, or transfer of a new rubber tire or tube, alone or in conjunction with any other article or material, or by way of any commission, service, transportation, or other charge, or by tying agreement or other trade understanding, or by increasing the charges for the extension of credit or for the mounting of a tire or tube on a vehicle or for any other service over those in effect on November 25, 1941, or by making terms and conditions of sale more onerous to purchasers than those available or in effect on November 25, 1941, or by any other means. The purchaser shall always have the option of paying at the time of the purchase the full cash price of the tire or tube, which shall not exceed the maximum price less any trade-in allowance. He shall also have the option of receiving delivery of such tire or tube at the seller's place of business, without having it mounted on a vehicle or having any other service performed.*

§ 1315.104 *Posting of prices.* Every person engaged in the business of selling new rubber tires or tubes at retail, shall keep posted in a conspicuous place in each retail establishment at which such tires or tubes are offered for sale, a price

list setting forth the maximum retail prices applicable to such tires or tubes. Such statement shall be prepared and posted not later than 8:00 a. m. on January 5, 1942. Lists of maximum prices computed under the terms of Price Schedule No. 63 and prepared by manufacturers of manufacturers' brands and by owners of private brands, may be used for this purpose if received by the seller in time.

If on November 25, 1941 the seller made special charges for the extension of credit or for the mounting of tires and tubes or for any other services, and if he desires to continue such charges after January 5, 1942, such seller shall prepare a notarized statement listing the prices charged on November 25, 1941 for such extra services, and shall post such statement not later than 8:00 a. m. on January 5, 1942 along with the list of maximum tire and tube prices required to be posted by this section.*

§ 1315.105 *Records and reports.* Every person engaged in the business of selling new rubber tires or tubes at retail shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of every such sale of such articles, showing the date thereof, the name and address of the purchaser, the price, and the brand name, size, and quantity of all new rubber tires or tubes sold.

Persons affected by Price Schedule No. 63 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1315.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, posting or record requirements, or other provisions of Price Schedule No. 63, or in the event of evasion or attempt to evade the price limitations, or other provisions of Price Schedule No. 63, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 63; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local government by calling to the attention of the proper authorities failures to comply with Price Schedule No. 63 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 63. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof are urged to communicate with the Office of Price Administration.*

§ 1315.107 *Modification of Price Schedule No. 63.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 63 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no

application under this section will be considered unless filed by persons complying with Price Schedule No. 63.*

§ 1315.108 *Definitions.* When used in Price Schedule No. 63, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sale at retail" means any sale to a purchaser for use by such purchaser and not for resale;

(c) "New rubber tire or tube" means any of the new rubber tires or tubes expressly covered by Appendix A hereof, incorporated herein as § 1315.110;

(d) "Manufacturers' brands" of new rubber tires or tubes means all tires or tubes marketed under brand names owned by the manufacturer of such tires or tubes;

(e) "Private brands" of new rubber tires or tubes means all tires or tubes marketed under brand names not owned by the manufacturer of such tires or tubes.*

§ 1315.109 *Effective date of Price Schedule No. 63.* This Schedule (§§ 1315.101 to 1315.111, inclusive) shall become effective on January 5, 1942.*

§ 1315.110 *Appendix A: Maximum retail prices for manufacturers' brands of new rubber tires and tubes.* The following prices are the maximum prices that may be charged at retail for new rubber tires or tubes at the seller's place of business. The maximum prices set forth herein may not be exceeded for any such sale, even though in a particular case no used tire or tube is traded in. If a used tire or tube is traded in, the trade-in allowance shall be deducted from the maximum price.

The actual dollar amount of the Federal Excise Tax paid on any tire or tube may in each case be added to the maxi-

mum price established by Price Schedule No. 63.

(a) The maximum retail prices for manufacturers' brands or passenger-car tires (4 ply) and truck tires (10 ply) listed in paragraph (b) below shall be:

PASSENGER-CAR TIRES

Size	Price
4.50-12	\$9.10
4.00-15	7.80
5.00-15	10.80
6.50-15	17.50
7.00-15	10.80
8.25-15	23.15
5.00-16	10.70
5.50-16	13.15
6.00-16	14.75
6.25-16	10.60
6.50-16	17.90
7.00-16	20.30
7.50-16	25.75
5.25/5.50-17	13.65
6.00-17	16.00
5.25/5.50-18	12.35
6.00-18	17.25
4.75/5.00-19	11.05
5.25-20	15.10

TRUCK TIRES

Size	Price
8.25-15	\$68.50
7.50-18 (32 x 7)	62.10
8.25-18	65.75
9.00-18	78.10
10.50/11.00-18	108.00
7.00-20 (32 x 6)	47.50
7.50-20 (34 x 7)	63.40
8.25-20	67.65
9.00-20	80.75
8.25-22	72.40
9.00-22	84.75
7.00-24 (36 x 6)	55.10
7.50-24 (38 x 7)	71.10
8.25-24	70.40
9.00-24	88.15

(b) The prices set forth in paragraph (a) above apply to tires carrying brand names of manufacturers as follows:

Manufacturer	Brand of passenger-car tires	Brand of truck tires
The Armstrong Rubber Co.	(1)	Heatmaster.
Brunswick Tires.	Super Quality.	Heavy Service.
The Century Tire & Rubber Co.	Deluxe.	Commercial Service Rib Tread.
Columbia Tire & Rubber Co.	First Line Deluxe.	Columbia—First Line.
The Cooper Corporation.	Soft-Aire.	All Duty.
Corduroy Rubber Co.	Deluxe.	Universal.
The Dayton Rubber Manufacturing Co.	Thorobred.	Thorobred.
Denman Tire and Rubber Co.	Double Duty.	Super Truck and Bus Rib Tread.
Diamond Tires.	Superlux.	Heavy Service.
Dunlop Tire and Rubber Corporation.	Super 107 Gold Cup.	Gold Cup Heavy Duty Truck and Bus.
The Falls Rubber Co.	Road Master.	Super Rib Truck and Bus.
Federal Tires.	Classic.	Commercial Double Blue Pennant (Cotton).
The Firestone Tire & Rubber Co.	Champion Deluxe.	Transport Heavy Duty.
Fisk Tires.	Air Flight Deluxe.	Transportation (Cotton).
Fleetwood Tire & Rubber Co.	First Line Deluxe.	Fleetwood—First Line.
Ford Motor Co.	Ford.	Ford.
G & J Tires.	Classic.	Stalwart.
The Gates Rubber Co.	Vulco.	Vulco Heavy Duty Truck and Bus.
The General Tire & Rubber Co.	New Dual Grip.	Super Highway.
The Giant Tire & Rubber Co.	Deluxe.	Super Rib Truck and Bus.
Gillette Tires.	Ambassador (Cotton).	Super Ribbed (Cotton).
The B. F. Goodrich Co.	Silvertown Deluxe.	Speedliner Heavy Duty.
The Goodyear Tire & Rubber Co.	Deluxe All Weather.	High Miller Rib.
Hood Tires.	"400"	Heavy Service.
The Kelly-Springfield Tire Co.	Registered.	Registered.
Lee Tire & Rubber Co.	Deluxe.	Heavy Duty Special.
McCreary Tire & Rubber Co.	Super Service.	Super Service.
The Mansfield Tire & Rubber Co.	Deluxe.	Transport—First Line.
Miller Tires.	Imperial.	Heavy Service.
The Mohawk Rubber Co.	Chief.	Chief Bus.
The Monarch Rubber Co.	Noble Deluxe.	Truck and Bus Balloon.
National Tire Stores, Incorporated.	National.	Heavy Duty Truck and Bus Balloon.
The Norwalk Tire & Rubber Co.	N-40.	N-6 Rib Traction.
Pennsylvania Rubber Co.	Advanced Deluxe.	Universal.
The Pharis Tire & Rubber Co.	Road Gripper Super.	Pharis First Line.
The Richland Rubber Co.	Deluxe.	Rapid Transit.
F. C. Schenuit Rubber Co.	Schenuit Balloon.	First Line Truck and Bus.
Schering Rubber Co.	Special Service Deluxe.	Special Service—Heat Vented.
United States Rubber Co.	Royal Deluxe.	Royal Fleetway.
The United Tire & Rubber Co.	Deluxe.	Commercial.

* The word "Streamline" was revoked by amendment January 31, 1942, effective February 6, 1942; 7 F.R. 657.

(c) The maximum retail prices for manufacturers' brands of passenger-car tubes and truck tubes listed in paragraph (d) below shall be:

PASSENGER-CAR TUBES	
Size	Price
4.25-12	\$2.60
4.50-12	2.60
4.00-15	2.40
5.00-15	2.80
6.50-15	4.25
6.50-15	4.25
7.00-15	4.30
7.50-15	5.00
8.25-15	6.60
5.00-16	2.65
5.50-16	3.05
6.00-16	3.65
6.00-16	3.65
6.25-16	3.65
6.50-16	4.30
7.00-16	5.20
7.50-16	6.75
8.25-16	7.75
5.00-17	2.75
5.25-18	2.75
5.50-18 D. C.	2.75
5.25-17	3.30
5.50-17	3.30
6.00-17	4.40
6.50-17	4.40
7.00-17	4.40
7.50-17	4.40
7.00-18	5.40
7.50-18	5.40
5.50-18 FB	5.40
6.00-18	5.40
6.50-18	5.40
5.25-19	3.50
5.50-19	3.50
6.00-19	3.50
6.50-19	3.50
7.50-18	5.45
4.75-19	2.95
5.00-19	2.95
7.50-19	6.00
5.25-20	2.75
5.50-20	3.90
6.00-20	3.90
TRUCK TUBES	
7.00-15	\$4.50
7.50-15	6.75
8.25-15	9.85
9.00-15	11.30
9.75-15	11.90
10.00-15	11.90
6.00-16	3.40
6.50-16	4.05
7.00-16	4.65
7.50-16	6.95
6.00-17	3.80
6.00-17	3.80
6.50-17	3.80
6.50-17	3.80
7.00-17	4.75
7.50-17	4.75
7.50-17	4.75
6.50-18	5.00
7.00-18	4.80
7.50-18 (32 x 7)	8.45
8.25-18	10.00
9.00-18	11.55
9.75-18	12.25
10.00-18	12.25
10.50-18	13.75
11.00-18	13.75
11.25-18	18.90
12.00-18	18.90
5.50-20	4.15
6.00-20 (30 x 5)	4.15
6.00-20 (30 x 5)	4.15
6.50-20 (32 x 6-8)	5.10
6.50-20	5.10
7.00-20	6.30
7.00-20 (32 x 6-10)	6.30
7.00-20 (32 x 7)	8.90
7.50-20 (34 x 7)	8.90

TRUCK TUBES—Continued

Size	Price
8.25-20	\$10.25
9.00-20 (36 x 8)	11.75
9.75-20	12.60
9.75-20 (38 x 9)	12.60
10.00-20	12.60
10.50-20	14.95
11.00-20	20.00
11.25-20	20.00
12.00-20	20.00
12.00-20	20.00
12.75-20	26.50
13.00-20	30.80
13.50-20	30.80
14.00-20	33.40
16.00-20	10.90
8.25-22	12.25
9.00-22	12.25
9.75-22	12.95
10.00-22	16.05
10.50-22	16.05
11.00-22	21.60
11.25-22	21.60
12.00-22	21.60
7.00-24	6.80
7.00-24 (36 x 6)	6.80
7.00-24 (36 x 6)	6.80

TRUCK TUBES—Continued

Size	Price
7.50-24 (38 x 7)	\$6.60
8.25-24	11.65
9.00-24 (40 x 8)	12.85
9.75-24	13.40
10.00-24 (42 x 9)	13.40
10.50-24 (44 x 10)	17.80
11.00-24	22.30
11.25-24	22.30
12.00-24	22.30
12.00-24	22.30
12.75-24	29.50
13.00-24	35.05
13.50-24	35.05
14.00-24	64.15
16.00-24	78.30
18.00-24	123.00
21.00-24	138.85
24.00-32	78.90
18.00-40	402.20
30.00-40	502.15
36.00-40	502.15

(d) The prices set forth in paragraph (c) above apply to tubes carrying manufacturers' brand names as follows:

Manufacturer	Brand of passenger-car tubes	Brand of truck tubes
The Armstrong Rubber Co.	Heatmaster Deluxe	Heatmaster.
Brunswick Tire & Tubes	Deluxe	Heavy Service (Black).
The Century Tire & Rubber Co.	Two Tone Heavy Duty	Century Heavy Duty.
The Cooper Corporation	Universal	Long Service.
Corduroy Rubber Co.	Universal	Universal.
The Dayton Rubber Manufacturing Co.	Thorbred	Thorbred.
Denman Tire and Rubber Co.	Mercury	First Line Truck Tube.
Diamond Tires & Tubes	Superlux	Heavy Service.
Dunlop Tire and Rubber Corporation	Extra H. D. (Red)	Ebonite.
The Falls Rubber Co.	Classic	Double Blue Pennant.
Federal Tires & Tubes	Deluxe Champion	Transport.
The Firestone Tire & Rubber Co.	Deluxe Champion	Transportation.
Fisk Tires & Tubes	Ford	Ford.
Ford Motor Co.	Classic	Stalwart.
G & J Tires & Tubes	Classic	Vulco Heavy Duty Black.
The Gates Rubber Co.	Vulco Heavy Duty Red	Heavy Duty Molded.
The General Tire & Rubber Co.	Heavy Duty Molded	Super-Rib Truck and Bus.
The Giant Tire & Rubber Co.	Ambassador	Gillette Heavy Service.
Gillette Tires & Tubes	Silvertown	Silvertown.
The B. F. Goodrich Co.	Heavy Duty (Black)	Heavy Duty (Black).
The Goodyear Tire & Rubber Co.	Hood "400"	Heavy Service.
Hood Tires & Tubes	Registered	Kelly Black.
The Kelly-Springfield Tire Co.	Registered	Heavy Duty Red.
Leo Tire & Rubber Co.	Two Tone Heavy Duty	McCreary.
McCreary Tire & Rubber Co.	First Line Heavy Duty.	First Line Heavy Duty.
The Mansfield Tire & Rubber Co.	Imperial	Heavy Service.
Miller Tires & Tubes	Heavy Duty	Heavy Duty.
The Mohawk Rubber Co.	Noble	Noble.
The Monarch Rubber Co.	Safety Rim Fly	Heavy Duty Black.
National Tire Stores, Inc.	R/X Pinchproof	Pennsylvania.
Pennsylvania Rubber Co.	Super Heavy Duty Pinch Proof	Truck and Bus Super Heavy Duty.
The Polson Rubber Co.	Two Tone	Heavy Duty.
The Richmond Rubber Co.	First Line	First Line.
F. G. Schenck Rubber Co.	Special Service Black	Special Service Black.
Selberling Rubber Co.	Royal Deluxe	Royal.
United States Rubber Co.	Dual Base	Commercial.
The United Tire & Rubber Co.	Dual Base	Commercial.

(e) (1) The maximum retail prices for 6.00/6.25-16 passenger-car tubes carrying the brand names of certain manufacturers shall be as follows:

Manufacturer	Brand of passenger-car tubes	Maximum price
Carlisle Tire & Rubber Co.	Greyhound, One Color.	\$2.45
Columbia Tire & Rubber Co.	Hold Title Heavy Duty.	1.95
The Cooper Corporation	Long Service Deluxe.	3.35
The Durkee-Atwood Co.	Red Wing.	2.45
The Falls Rubber Co.	Evergreen	3.05
Fisk Tires & Tubes	Safe Base	2.75
Fleetwood Tire & Rubber Co.	Heavy Duty Red	1.95
The Giant Tire & Rubber Co.	Deluxe	3.20
Leo Tire & Rubber Co.	Heavy Duty Red	3.35
McCreary Tire & Rubber Co.	Super Heavy Duty	2.75
The Norwalk Tire & Rubber Co.	Extra Heavy Duty Carbon Base Pinch Proof.	2.57
The Pharis Tire & Rubber Co.	Heavy Duty	1.95

(2) The maximum retail prices for 8.25-20 truck tubes carrying the brand names of certain manufacturers shall be as follows:

Manufacturer	Brand of truck tubes	Maximum price
Carlisle Tire & Rubber Co.	Heavy Duty Truck and Bus.	\$7.80
Columbia Tire & Rubber Co.	Columbia Black	7.80
Dunlop Tire and Rubber Corporation	Gold Cup	9.15
Fleetwood Tire & Rubber Co.	Fleetwood Black	7.80
The Norwalk Tire & Rubber Co.	Extra Heavy Duty Carbon Base.	9.81
The Pharis Tire & Rubber Co.	Heat Proof	7.80

(f) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for manufacturers' brands of passenger-car tires (4 ply) included in paragraph (b) as follows:

(1) Take the manufacturer's consumer list price in effect November 25, 1941 for the unlisted size of tire and express it as a percentage of the manufacturer's consumer list price of the same date for the 6.00—16 passenger-car tire included in paragraph (b).

(2) Apply this percentage to the maximum price for the 6.00—16 (4 ply) passenger-car tire as shown in paragraph (a).

Example. On a November 25, 1941 consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00—16 tire was listed at \$15.00. On the same date an odd sized tire was listed at \$18.00. Dividing the 18 by the 15, it appears that the odd sized tire was listed at 120 percent of the 6.00—16 size tire. Since the 6.00—16 tire is now not to sell in excess of \$14.75, the odd sized tire may not sell in excess of 120 per cent of \$14.75, or \$17.70.

(g) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for manufacturers' brands of truck tires (10 ply) included in paragraph (b) as indicated in paragraph (f), except that the 8.25—20 truck-tire shall replace the 6.00—16 passenger-car tire in making the calculations.

(h) The maximum retail prices for all sizes not included in paragraph (c) shall be calculated for manufacturer's brands of passenger-car and truck tubes included in paragraph (d) as indicated in paragraph (f), using the appropriate price for the 6.00—16 size tube in all calculations for passenger-car tubes and the appropriate price for the 8.25—20 size tube for truck tubes. The same calculations shall be made for all sizes not specified in paragraph (e) of the brands included in that paragraph.

(i) The maximum retail prices for all other lines, levels, qualities, or weights of passenger-car and truck tires and tubes sold under manufacturers' brands of the manufacturers listed in paragraphs (b), (d), and (e) for which maximum retail prices are not specifically fixed by Price Schedule No. 63 shall be calculated as follows:

(1) Take the manufacturer's consumer list price in effect November 25, 1941 for the particular brand, line, level, quality, or weight of tire or tube for which no maximum price is specifically fixed by Price Schedule No. 63 and express it as a percentage of the manufacturer's consumer list price of the same date for the corresponding size of the brand of this manufacturer for which a maximum price is specifically fixed by Price Schedule No. 63.

(2) Apply this percentage to the maximum price, for the corresponding size, set forth in paragraph (a), for tires, and paragraphs (c) and (e), for tubes.

Example. On a November 25, 1941 manufacturer's consumer list for one of

the brands of passenger-car tires shown in paragraph (b), the 6.00—16 size (4 ply) was listed at \$16.00. On the same date the 6.00—16 size (4 ply) of a lower quality brand of the same manufacturer had a list price of \$12.00. Dividing the 12 by the 16, it appears that the lower quality brand was listed at 75 percent of the price of the brand listed in paragraph (b). Since the 6.00—16 size (4 ply) of the brand listed in paragraph (b) is now to sell not in excess of \$14.75, the 6.00—16 size (4 ply) of the lower quality brand may not sell in excess of 75 percent of \$14.75 or \$11.05.

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941 for the brand of this manufacturer for which a maximum price is specifically fixed herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes on the November 25, 1941 consumer list price for such brand.

[Subparagraph (3) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

(j) The maximum retail prices for manufacturers' brands of passenger-car tires other than 4 ply and truck tires other than 10 ply shall be calculated to maintain the relationship expressed in paragraph (i) above.

(k) For manufacturers who do not have a consumer list, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j), shall be made on the basis of the manufacturer's selling price list.

(1) The maximum retail prices for manufacturers' brands of passenger-car and truck tires and tubes owned by manufacturers not listed in paragraphs (b), (d), and (e) shall be those given in paragraph (a) for tires and paragraph (c) for tubes.

(m) Notwithstanding any other provision of this Schedule (§§ 1315.101-1315.111), the maximum retail prices for all brands of passenger car tires owned by the following manufacturers, shall be as follows:

(1) The Armstrong Rubber Company: Maximum prices for the "Streamline" brand of passenger car tires for all sizes listed in paragraph (a) shall be the prices listed in paragraph (a), with other sizes determined according to the method set forth in paragraph (f). Maximum prices for the 6:00 x 16, (4 ply) "Air Coaster"

and "Standard" brands of passenger-car tires shall be \$12.90 and \$10.05 respectively. Other sizes and plies of these brands shall remain in the same percentage relationship to these prices as they bore on the Armstrong Rubber Company's Consumer Price List in effect on November 25, 1941:

[Paragraph (m) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

§ 1315.111 *Appendix B: Maximum retail prices for private brands of new rubber tires and tubes.* The following prices are the maximum prices that may be charged at retail for new rubber tires or tubes at the seller's place of business. The maximum prices set forth herein may not be exceeded for any such sale, even though in a particular case no used tire or tube is traded in. If a used tire or tube is traded in, the trade-in allowance shall be deducted from the maximum price.

The actual dollar amount of the Federal Excise Tax paid on any tire or tube may in each case be added to the maximum price established by Price Schedule No. 63.

(a) The maximum retail prices for private brands of passenger-car tires (4 ply) and truck tires (10 ply) listed in paragraph (b) below shall be:

PASSENGER-CAR TIRES

Size	Price
4.50—12	\$8.20
4.00—15	7.00
5.00—15	9.70
6.50—15	15.75
7.00—15	17.80
8.25—15	25.35
5.00—16	9.05
5.50—16	11.85
6.00—16	13.25
6.25—16	14.05
6.50—16	10.10
7.00—16	18.30
7.50—16	23.20
5.25/5.50—17	12.20
6.00—17	14.40
5.25/5.50—18	11.10
6.00—18	15.50
4.75/5.00—19	9.95
5.25—20	13.60

TRUCK TIRES

Size	Price
8.25—15	\$61.65
7.50—18 (32 x 7)	55.90
8.25—18	59.15
9.00—18	70.30
10.50/11.00—18	95.40
7.00—20 (32 x 6)	42.75
7.50—20 (34 x 7)	57.05
8.25—20	60.90
9.00—20	72.65
8.25—22	65.15
9.00—22	76.25
7.00—24 (36 x 6)	49.60
7.50—24 (38 x 7)	64.00
8.25—24	68.75
9.00—24	79.35

(b) The prices set forth in paragraph (a) apply to tires carrying brand names of distributors as follows:

¹ Brand name amended January 31, 1942, effective February 5, 1942; 7 F.R. 657.
² Brand name changed from "Statesman" by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657.

PASSENGER-CAR TUBES

PASSENGER-CAR TUBES—Continued

Size	Price
5.00-17	
5.25-18	
5.50-18 D. C.	\$1.45
5.25-17	
5.50-17	
6.00-17	1.75
6.50-17	
7.00-17	2.35
7.00-17	
7.50-17	
7.00-18	2.35
7.50-18	
7.50-17	2.80
5.50-18 FB	
6.00-18	
6.50-18	
5.25-19	1.85
5.50-19	
6.00-19	
6.50-19	
7.50-18	2.90
4.75-19	
5.00-19	1.60
7.50-19	3.20
5.25-20	1.45
5.50-20	
6.00-20	2.10

10.50-22		12.20
11.00-22		
11.25-22		16.45
12.00-22		
7.00-24		5.15
7.00-24	(36 x 6)	5.15
7.50-24	(36 x 6)	5.15
7.50-24	(38 x 7)	7.30
8.25-24		8.85
9.00-24	(40 x 8)	9.80
9.75-24		
10.00-24	(42 x 9)	10.20
10.50-24		
11.00-24	(44 x 10)	13.55
11.25-24		
12.00-24		16.95
12.00-24		16.95
12.75-24		
13.00-24		22.45
13.50-24		
14.00-24		26.65
16.00-24		48.80
18.00-24		59.60
21.00-24		93.60
24.00-32		105.65
18.00-40		60.05
30.00-40		306.05
36.00-40		382.10

(d) The prices set forth in paragraph (c) above apply to tubes carrying distributors' brand names as follows:

Distributor	Brand of passenger-car tubes	Brand of truck tubes
A-1 Tire Co.	Defender Heavy Duty Black	
Abel Sales Corporation.	"Tube"	
Apex Tire, Inc.	Heavy Duty Red.	Truck Tube.
Arkansas Fuel Oil Co.	Standard.	Standard.
Atlas Supply Co.	Junior Atlas Red and Black.	
Barco Oil Co.	Be Square.	Be Square.
Belknap Hardware & Manufacturing Co.	Standard Heavy Duty.	Speedmore.
The Brown Fence & Wire Co.	Extra Heavy Red.	Extra Heavy Black.
Champion Refining Co.	Extra Quality.	Deluxe.
Coast to Coast Stores.	Safe-Flex Red and Black.	Safe-Flex Black.
Cooperative G. L. F. Farm Supplies, Inc.	Unico Heavy Duty Tube.	Unico Truck.
Cooperative Seed & Farm Supply Service, Inc.	Unico Heavy Duty Tube.	Unico Truck.
Farm Bureau Cooperative Association, Inc.	Unico Heavy Duty Tube.	Unico Truck.
Farm Bureau Services, Inc.	Unico Heavy Duty Tube.	Unico Truck.
Farmers Cooperative Exchange, Inc.	Unico Heavy Duty Tube.	Unico Truck.
Gamble Stores.	Crest Standard.	Crest Truck.
The Globe Oil & Refining Co.	Rocket Passenger-Car Tube.	Rocket Truck Tube.
Hardware Merchandising Corporation.	Ever Best Heavy Duty.	Ever Best Heavy Duty.
Hicks Rubber Co., Inc.	Meteor Red.	
Hollander Auto Stores.	Victory.	
Illinois Farm Supply Co.	Acc.	Master Truck.
Montgomery Ward & Co.	Riverside.	Riverside.
Pennsylvania Farm Bureau Co-operative Association.	Unico Heavy Duty Tube.	Unico Truck.
Pep Boys.	Cornell Deluxe.	
Richmond Rubber Co., Inc.	Ultra Heavy Duty.	Ultra Heavy Duty.
S. & M. Tire & Auto Supply Co.	Gold Medal.	Gold Medal Heat Resisting Heavy Duty Black.
Sears, Roebuck & Co.		Allstate Deluxe.
Shapleigh's Hardware Co.		Good Service Truck and Bus.
Sobel Bros.	Oxford Heavy Duty.	
Southern States Cooperative, Inc.	Unico Heavy Duty Tube.	Unico Truck.
Spiegel, Inc.	Argyle Heavy Duty.	Caravan.
Strauss Stores Corporation.	Regal Heavy Duty Black.	
Tru Test Marketing & Merchandising Corporation.	Standard Red.	
United Co-operatives, Inc.	Unico Heavy Duty Tubes.	Unico Truck.
Vanguard Tire & Rubber Co.	Vanguard Red.	Vanguard Truck and Bus.
Western Auto Supply Co.	Standard.	Davis Truck.
Wisconsin Co-op Farm Supply Co.	Acc.	Master Truck.
World Tire Corporation.	Defender Heavy Duty Black.	Heavy Duty Red.

(e) (1) The maximum retail prices for 6.00/6.25-16 passenger-car tubes carrying the brand names of certain distributors shall be as follows:

Distributor	Brand of passenger-car tubes	Maximum price
American Tire Alliance.	Tri-Flex.	\$2.15
Englert Tire & Rubber Co.	Red Seal.	2.60
Fordham Tire Co.	Vanderbilt Deluxe.	2.45
Hibbard, Spencer, Bartlett & Co.	Inner tube.	2.11
Indiana Farm Bureau Cooperative Association, Inc.	Heavy Duty.	2.25
Moore's Auto Accessories.	Deluxe.	2.45
Ohio Oil Co.	Regular.	2.11
Sears, Roebuck & Co.	Allstate Extra Heavy Red.	2.20
Shapleigh's Hardware Co.	Good Service.	2.11
Triplex Tire Co.	Extra Heavy Hi-Tex Pinch Proof.	3.45
Unifit Tire Co.	Savoy Red Passenger.	2.75
Vogue Rubber Co.	Red Pinch Proof.	5.10

(2) The maximum retail prices for 8.25-20 truck tubes carrying the brand names of certain distributors shall be as follows:

Distributor	Brand of truck tubes	Maximum price
American Tire Alliance.	All Service Truck and Bus.	\$10.25
Atlas Supply Co.	Truck Coach Tube.	8.95
Englert Tire & Rubber Co.	Gold Seal.	9.65
Fordham Tire Co. (Vanderbilt Tire Co.)	Vanderbilt Truck and Bus Tube.	10.25
Hicks Rubber Co., Inc.	Star Deluxe.	10.25
Indiana Farm Bureau Cooperative Association, Inc.	Super Heavy Duty Black.	10.25
Ohio Oil Co.	Linco Truck and Bus.	9.32
Standard Rubber Co.	Heavy Duty Black.	10.25
Tru Test Marketing & Merchandising Corporation.	Heavy Service.	8.75

(f) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for the private brands of passenger-car tires (4-ply) included in paragraph (b) as follows:

(1) Take the consumer list price in effect November 25, 1941, for the unlisted size of tire and express it as a percentage of the consumer list price of the same date for the 6.00-16 passenger-car tire included in paragraph (b).

(2) Apply this percentage to the maximum price for the 6.00-16 (4-ply) passenger-car tire as shown in paragraph (a).

Example: On a November 25, 1941, consumer list for one of the brands of passenger-car tires shown in paragraph (b) the 6.00-16 tire was listed at \$12.00. On the same date an odd-sized tire was listed at \$14.40. Dividing the 14.40 by the 12, it appears that the odd-sized tire was listed at 120 per cent of the 6.00-16 size tire. Since this 6.00-16 tire is now not to sell in excess of \$13.25, the odd size may not sell in excess of 120 per cent of \$13.25 or \$15.90.

(g) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for private brands of truck tires (10 ply) included in paragraph (b), as indicated in paragraph (f) except that the 8.25-20 truck tire shall replace the 6.00-16 passenger-car tire in making the calculation.

(h) The maximum retail prices for all sizes not included in paragraph (c) shall be calculated for private brands of passenger-car and truck tubes included in paragraph (d) as indicated in paragraph (f), using the appropriate price for the 6.00-16 size tube in all calculations for passenger-car tubes and the appropriate price for the 8.25-20 size tube for truck

tubes. The same calculations shall be made for all sizes not specified in paragraph (e) of the brands included in that paragraph.

(i) The maximum retail prices for all other lines, levels, qualities or weights of passenger-car and truck tires and tubes sold under private brands by the distributors listed in paragraphs (b), (d), and (e) for which maximum retail prices are not specifically fixed by Price Schedule No. 63 shall be calculated as follows:

(1) Take the consumer list price in effect November 25, 1941, for the particular brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed by Price Schedule No. 63 and express it as a percentage of the consumer list price of the same date for the corresponding size of the brand of this distributor for which a maximum price is specifically fixed by Price Schedule No. 63.

(2) Apply this percentage to the maximum price, for the corresponding size, set forth in paragraph (a), for tires, and paragraphs (c) and (e), for tubes.

Example: On a November 25, 1941, consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00-16 size (4 ply) was listed at \$14.00. On the same date the 6.00-16 size (4 ply) of a lower quality private brand tire handled by the same distributor had a list price of \$11.20. Dividing the 11.20 by the 14, it appears that the lower quality brand was listed at 80 percent of the price of the brand listed in paragraph (b). Since the 6.00-16 size (4 ply) of the brand listed in paragraph (b) is now not to sell in excess of \$13.25, the 6.00-16 size (4 ply) of the lower quality brand may not sell in excess of 80 percent of \$13.25 or \$10.40.

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941, for the brand of this distributor for which a maximum price is specifically fixed herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes in the November 25, 1941; consumer list price for such brand.

[§ Subparagraph (3) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

(j) The maximum retail prices for private brands of passenger-car tires other than 4 ply and truck tires other than 10 ply shall be calculated to maintain the relationship expressed in paragraph (i) above.

(k) For private brand distributors who do not have a consumer list, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j) may be made on the basis of wholesale price lists.

(l) The maximum retail prices for private brands of passenger-car and truck

tires and tubes owned by distributors not listed in paragraphs (b), (d), and (e) shall be those given in paragraph (a) for tires and paragraph (c) for tubes.

(m) Notwithstanding any other provisions of Price Schedule No. 63 (§§ 1315.101-1315.111), the maximum retail prices for all brands of passenger-car and truck tires owned by the following private brand distributors shall be as follows:

(1) **Triplex Tire Company:** Maximum prices shall be the consumer price list of the company on file with the Office of Price Administration which was in effect on September 30, 1941.*

[Paragraph (m) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

Issued this 30th day of December 1941.¹

LEON HENDERSON,
Administrator.

PART 1356—COOKERS AND HEATERS

REVISED PRICE SCHEDULE NO. 64—DOMESTIC COOKING AND HEATING STOVES

Domestic cooking and heating stoves are essential household appliances. During the first ten months of 1941, stove manufacturers' prices have advanced approximately ten per cent on a weighted average basis. The increases on some items have amounted to more than thirty per cent. After a meeting with an industry panel on October 24, the Office of Price Administration on November 4 requested all stove manufacturers to forego increases in prices beyond the levels of October 24 pending the formulation of an industry-wide program. In general, members of the industry pledged their support to this request.

On December 13, 1941, the Office of Production Management issued General Limitation Order L-23² restricting the quantity of iron and steel which may be used for cooking stoves during the first four months of 1942. This order imposes an average cut of 35% below the monthly average of iron and steel used in the twelve months ended June 30, 1941. With further restriction of supply threatened, it becomes necessary to issue a price schedule at this time to prevent inflationary price increases.

It is the custom for stove manufacturers to announce their new lines and sales programs in January of each year. The issuance of a price schedule, at this time will enable manufacturers to follow this custom. The maximum price level permitted by Price Schedule No. 64 is 112% of the lowest prices prevailing during the period January 15-June 1, 1941. Price Schedule No. 64, which takes into consideration cost adjustments, substantially reflects mid-October prices, which represent an increase over January 15-June 1 prices. January 15-June 1 prices are used as a base because price relationships of the various manufacturers were then in more normal equilibrium. Price Schedule No. 64, while

requiring some prices to be adjusted downward, has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on December 27.

In order to prevent nullification of Price Schedule No. 64, changes in specification are restricted as an emergency measure. The restrictions, however, are subject to liberalization by this Office if experience shows the need.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1356.1 *Maximum prices for stoves.* On and after January 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any stove, at a price higher than the maximum price.

(a) (1) *Stoves offered for sale during the period January 15-June 1, 1941, inclusive.* The maximum price for any stove, other than a private brand stove, identical with a stove offered for sale by the manufacturer during the period January 15-June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price quoted by him during such period for the sale of such stove, to the same purchaser or to a purchaser in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of the Renown Stove Company, the maximum prices for models 1005—Cameo, 1015—Cameo, 1105—Crest, and 1115—Crest, shall be the prices in effect on February 2, 1942.

[Paragraph (a) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(b) *Private brand stoves delivered during the period January 15-June 1, 1941, inclusive.* The maximum price for any private brand stove identical with a private brand stove delivered by the manufacturer during the period January 15-June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price charged by him for such stove during such period to the same purchaser or to a purchaser in the same general class, or if there was no such purchaser, to any purchaser.

(c) *Private brand stoves sold or delivered under cost-plus contracts—(1) Completion of outstanding cost-plus contracts.* The maximum price for any private brand stove delivered by the manufacturer after January 5, 1942, in order to complete a cost-plus contract outstanding on January 2, 1942, shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after January 5, 1942, no private brand stove shall be sold, delivered, or transferred under a cost-plus contract not outstanding on January 2, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Adminis-

tration has approved such contract in writing.

(d) *Other stoves.* The maximum price for any stove (other than a stove sold or delivered pursuant to a cost-plus contract) which differs in specifications from any stove referred to in paragraphs (a) or (b) of this section, and which may be offered for sale under § 1356.4, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such stove, and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, deliver, or transfer of such stove shall be made until such approval shall have been given.

(1) *Approved prices.* The maximum prices for the following models of stoves of the designated manufacturers shall be the prices in effect on February 2, 1942:

The Dixie Foundry Company, Cleveland, Tennessee, Models 2R30, 7R57, and 7R17;

The Majestic Manufacturing Company, St. Louis, Missouri, Models FB-120, FB-121, FB-122, FB-123, FB-130, FB-131, FB-132, FB-133, FB-020, FB-021, FB-022, FB-023, FB-030, FB-031, FB-032, FB-033, FS-120, FS-121, FS-130, FS-131, FS-020, FS-021, FS-030, FS-031, F-55-1, F-56-1, FR-57-1, FR-57-1, F-2, A-16-122, B-16-122, G-16-122, H-16-122;

General Electric Company, Bridgeport, Connecticut, Models AF 142A8, AF 442A8, CF 142A9, CD 242A9, DD 142A9, DD 242A9, CD 342A9;

Edison General Electric Appliance Company, Chicago, Illinois, Models 508RB8, 508RB11, 509RD3, 209RB15, 209RE16, 209RB17, 709RC4, 209RC8.

[Paragraph (d) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(e) *Private brand stoves sold or delivered for resale to the ultimate consumer.* If a manufacturer desires to sell, deliver, or transfer a private brand stove to a person at a price higher than the maximum price allowable under Price Schedule No. 64, for resale by that person directly to the ultimate consumer, he may file an application with the Office of Price Administration for permission to take such action. The application shall contain (1) the specifications of such private brand stove; (2) a copy of the proposed contract of sale or order covering such private brand stove, clearly specifying: (i) the name and address of the purchaser, (ii) the proposed selling price, (iii) the number of private brand stoves to be delivered, and (iv) the date by which delivery must be completed; (3) the purchaser's proposed resale price to the ultimate consumer; (4) a statement by the manufacturer on Form 164:2 (copies of which may be obtained from the Office of Price Administration) that the selling price of any private brand stove delivered pursuant to such proposed contract or order will not be increased; (5) a statement by the purchaser on Form 164:3 (copies of which may be obtained from the Office of Price Administration) that the proposed selling price to the ultimate consumer of any private brand stove sold, delivered, or transferred by the manufacturer to him, pursuant to such proposed contract or order will not be increased; and (6) such other information as the Office of Price Administra-

¹ Issued: 7 F.R. 35. Corrected: 7 F.R. 206. Amended: 7 F.R. 657.

² 6 F.R. 6425.

tion may request. If the Office of Price Administration approves such application in writing, the manufacturer may sell, deliver, or transfer to the purchaser named each private brand stove covered by such proposed contract or order at a price no higher than that approved by mandated, paid, or offered.*

[Paragraph (e) added by amendment February 7, 1942, effective February 7, 1942; 7 F.R. 907]

* §§ 1356.1 to 1356.12, inclusive, issued pursuant to authority contained in E.O. 8734, 8876, 6 F.R. 1917, 4483.

§ 1356.2 *Stoves from which cover tops have been eliminated.* A manufacturer who at any time after June 1, 1941, eliminates the cover top from any stove manufactured by him shall adjust the maximum price established by § 1356.1 of Price Schedule No. 64 for such stove, in order to reflect decreases in cost which result from the elimination of the cover top, and shall report such adjustment to the Office of Price Administration in accordance with § 1356.6 (g).*

§ 1356.3 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 64 may be charged, demanded, paid, or offered.*

§ 1356.4 *Provisions for changes in specifications of stoves, and new models.* On and after January 5, 1942, and until December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any stove differing in specifications (a) from any stove referred to in § 1356.1 (a) or (b) hereof; and (b) from any stove manufactured or in process of manufacture by him during the period January 15–December 31, 1941, inclusive:

Provided, That the following changes in specifications may be made:

(1) *Non-substantial changes.* (i) Changes in details of frame construction which do not alter quality or overall dimensions;

(ii) Changes in exterior colors, provided that (a) the type of finish is not changed and (b) stipple or ground coat is not substituted for other porcelain enamel finishes;

(iii) Substitution of porcelain enamel or synthetic finishes for bright finishes, such as chrome, nickel, or copper plating;

(iv) Changes, additions, or elimination of non-structural decorative mouldings, strips, surface paneling or hardware;

(v) Changes in oil or gas piping, electric wiring, thermostats, switches, or gas valves which do not reduce the efficiency, convenience of operation, or safety of the stove;

(vi) Changes in the shape, size, or materials of oil or gas burners, provided that quality, efficiency, and B. t. u. output are not reduced;

(vii) Changes in electric heating elements: *Provided,* That quality is preserved and open type units are not substituted for enclosed types.

(2) *Changes in stoves manufactured for the Federal Government, etc.* Any manufacturer may make such further

changes in specifications as are necessary to enable him to manufacture any stove for sale to (i) the United States Government or any department or agency thereof; (ii) the government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of Netherlands, Norway, Poland, Russia, and Yugoslavia; (iii) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or (iv) any public authority owning or operating a project financed in whole or in part by the United States Government or an agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity: *Provided,* That the contracts or orders involved were obtained as a result of competitive bidding. Any such sale shall be reported to the Office of Price Administration in accordance with § 1356.6 (h).

(3) *Necessary substitutions calculated to preserve quality.* Additional changes in specifications, including those which result in an entirely new model stove, may be made with the written approval of the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the specifications and proposed price of such stove, and (ii) satisfactory evidence that (a) the material previously used is unavailable or prohibitive in cost, or (b) its use in stoves is so restricted by a priority or allocation order or other regulation of a federal agency as to require the proposed change, or (c) the proposed change will result in the substantial conservation of strategic materials, and (d) the change is one calculated to preserve quality.*

§ 1356.5 *Records.* Every manufacturer making sales of stoves on or after January 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date of billing, the name and address of the buyer, the name, number or other designation and the price received for each stove, the quantity of each stove sold, and discounts and allowances of any nature given.*

§ 1356.6 *Reports.*—(a) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all stoves whose maximum prices are determined by § 1356.1 (a), showing (1) the maximum price established by § 1356.1 (a), including the computations used in determining such maximum price, (2) the specifications for each such stove, and (3) if the base price was not shown in a price list, the means by which it was quoted to the trade. In case any of the changes in specifications authorized in § 1356.4

were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change. Manufacturers who have already submitted any of the foregoing information need not duplicate it, but shall make reference to the information already submitted.

(b) *Private brand stoves delivered during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all private brand stoves whose maximum prices are determined by § 1356.1 (b), showing (1) the maximum price established by § 1356.1 (b), including the computations used in determining such maximum price, and (2) the specifications for each such stove. In case any of the changes in specifications authorized in § 1356.4 were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change.

(c) *Cost-plus contracts.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of stoves outstanding on January 5, 1942.

(d) *Non-substantial changes in specifications.* Within 10 days after any stove, the specifications of which are changed in any of the respects permitted by § 1356.4 is first offered for sale, the manufacturer shall submit a report to the Office of Price Administration showing each such change made.

(e) *Discontinued stoves.* (1) On or before February 1, 1942, every manufacturer who has discontinued production of any stove offered for sale during the period January 1, 1941–January 31, 1942, inclusive, shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him during such period.

(2) Within 10 days after any manufacturer discontinues production of any stove after January 31, 1942, he shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him from January 1, 1941, to the date of discontinuance.

(f) *Monthly output of stoves.* On or before February 20, 1942, and on or before the twentieth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model stove produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such stove. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

(g) *Stoves from which cover tops have been eliminated.* (1) On or before February 1, 1942, every manufacturer who at any time after June 1, 1941, elimi-

nated the cover top from any stove manufactured by him shall submit to the Office of Price Administration a report containing (i) the maximum price established for such stove by § 1356.1, (ii) the maximum price for such stove after adjustment pursuant to § 1356.2, and (iii) cost figures showing the actual decreases in cost and indicating the method used in computing them.

(2) Within 10 days after any manufacturer has eliminated the cover top, after January 31, 1942, from any stove manufactured by him, he shall submit to the Office of Price Administration a report containing the information required by subparagraph (1) above.

(h) *Stoves manufactured for the Federal Government, etc.* On or before February 1, 1942, or in the case of a sale made after January 31, 1942, within ten days after such sale, every manufacturer who has sold any stove referred to in § 1356.4 (2) shall submit to the Office of Price Administration a report containing a description of the stove, the specifications thereof, the date of sale, the name of the purchaser, the net sale price, and the quantity sold.

(i) *Other reports.* Persons affected by Price Schedule No. 64 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1356.7 *Evasion.* The limitations set forth in Price Schedule No. 64 shall not be evaded whether by direct or indirect methods in connection with the manufacturing or assembling of stoves by deterioration of quality or performance thereof, or in connection with a purchase, sale, or transfer of stoves, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, allowances for or absorption of transportation costs, or by any other means.*

§ 1356.8 *Affirmation of compliance.* Within 10 days after January 31, 1942, and within 10 days after the end of every three-month period thereafter, every manufacturer who is required to keep records of sales under § 1356.5 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 164:1 containing a sworn statement that during such period all such sales were made in compliance with Price Schedule No. 64 or with any exception therefrom or modification thereof. Copies of Form 164:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance thereunder.*

§ 1356.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 64, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 64, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see

(a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 64; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 64. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of stoves, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1356.10 *Modification of Price Schedule No. 64.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 64 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this Section will be considered unless filed by persons complying with Price Schedule No. 64.*

§ 1356.11 *Definitions.* When used in Price Schedule No. 64, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Manufacturer" means (1) a person operating a factory, plant or mill which manufactures or assembles stoves, (2) a person who resells private brand stoves to persons other than retailers or ultimate consumers, or (3) a person who resells private brand stoves, the patents or dies for which he owns.

[Paragraph (b) as amended, February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(c) "Stoves" mean stoves of the type commonly used in the household, camps, or trailers, for cooking or heating purposes (irrespective of the fuel or power used) except (1) those intended to be built into or permanently attached to the premises, and (2) electric stoves under 2½ k. w.;

(d) "Private brand stove" means a stove not offered for sale to the general trade, but manufactured for a particular person or persons irrespective of whether such person's name or brand name appears thereon;

(e) "Net price quoted" means the price shown in the manufacturer's price list or catalogue (or in case he has none, the price disseminated by him to the trade in any other manner) less all discounts except for cash;

(f) "A stove in process of manufacture" means a stove for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.*

§ 1356.12 *Effective date of Price Schedule No. 64.* This Schedule (§§ 1356.1 to 1356.12, inclusive) shall become effective January 5, 1942.*

Issued this 31st day of December 1941.*

LEON HENDERSON,
Administrator.

* Issued: 7 F.R. 125. Amended: 7 F.R. 907.

PART 1352—FLOOR COVERINGS

REVISED PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

The outbreak of hostilities in the Far East, which is the source of all jute, much wool, and most imported floor coverings, has a critical impact on the floor covering industry at all levels. In addition, the Office of Production Management announced on December 30 that a plan would shortly be put into effect which, for the first quarter of 1942, would considerably limit the amount of wool that could be used by manufacturers of floor coverings. Price Schedule No. 57¹ fixes the price of wool floor coverings at the manufacturer's level at 105% of prices prevailing on October 13, 1941. At the distributor's level, the decrease in supply is likely to result in inflationary price increases in all types of floor covering unless preventive steps are taken by this Office.

After careful investigation, it has been determined that the most effective action for the present is to set maximum distributors' prices on wool floor coverings and imported floor coverings at approximately existing levels. As inflationary pressures affecting other types of floor coverings appear, both manufacturers' and distributors' ceilings will be extended to include them.

A ceiling at October 13, 1941, prices is placed on distributor's sales of wool floor coverings. Although Price Schedule No. 57 places a ceiling upon the manufacturer of 105% of October 13 prices, the existence of inventories adequate for the present will prevent unfair pressure upon distributors. Following the issuance of Price Schedule No. 65, which is to be effective only for sixty days, conferences will be held with distributors of wool and imported floor coverings with a view toward setting up a more permanent price control program. Meanwhile, any distributor whose present inventory becomes depleted may apply for relief under § 1352.58 of Price Schedule No. 65.

Imported floor coverings may, under Price Schedule No. 65, be sold at existing levels. Since insignificant imports are now being received, no problem of higher than current cost inventories is presented.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.51 *Maximum distributors' prices for wool and imported floor coverings.* On and after January 5, 1942, and until March 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no distributor shall sell, offer to sell, deliver, or transfer any unit of wool or imported floor covering at a price higher than the maximum price.

(a) (1) (i) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or a person in the same general class, or if there is no such person, to any person, except

as set forth in subdivision (ii) of this subparagraph (1).

(ii) In the case of George B. Galbraith and Company, Incorporated, J. J. Haines and Company, and William Goodacre & Sons, Limited, the maximum prices for the units of imported floor coverings listed below shall be the prices in effect on February 2, 1942:

George B. Galbraith and Company, Incorporated—Imported English-Chenille;
J. J. Haines and Company—Stenciled Mourzouk, Woven Mourzouk, and Coir Fiber;

William Goodacre & Sons, Limited—Simla, Travancore, and Victor.

[Paragraph (a) (1) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–September 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery, or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of wool floor coverings sold by such distributor during the period January 1–October 13, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.

(4) If the distributor purchased a wool floor covering unit after January 2, 1942, the maximum price for that unit shall be the price quoted by the manufacturer of such unit in his price list to the retailer effective on January 7, 1942.

[Subparagraph (4) added by amendment January 7, 1942, effective January 7, 1942; 7 F.R. 183]

(b) *Imported floor coverings.* (1) The maximum price for any unit of imported floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period December 1–December 31, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–November 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of imported floor coverings sold by such distributor during the period January 1–December 31, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.*

*§ 1352.51 to 1352.60, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1352.52 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 65 may be charged, demanded, paid or offered.*

§ 1352.53 *Evasion.* The price limitations set forth in Price Schedule No. 65 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or imported floor coverings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying-agreement or other trade understanding, or by any other means.*

§ 1352.54 *Records.* Every distributor making sales of wool or imported floor coverings on or after January 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the net price received for each unit, and the quantity sold.*

§ 1352.55 *Reports.* On or before January 15, 1942, and on or before the fifteenth day of February and March thereafter, every distributor of wool or imported floor coverings shall submit to the Office of Price Administration a report on Form 165:1 showing in the detail required by such form, a complete schedule of his inventories. Copies of Form 165:1 may be procured from the Office of Price Administration.

Persons affected by Price Schedule No. 65 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.56 *Affirmations of compliance.* Within 20 days after February 1, 1942, and within 10 days after March 5, 1942, every distributor of wool or imported floor coverings who is required to keep records of sales under § 1352.55 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 165:2 containing a sworn statement that during the designated period all such sales were made at prices in compliance with Price Schedule No. 65 or with any exception therefrom or modification thereof. Copies of Form 165:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on

8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 65, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 65, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 65; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 65. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or imported floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.58 *Modification of Price Schedule No. 65.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 65 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 65.*

§ 1352.59 *Definitions.* When used in Price Schedule No. 65, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Distributor" means a person who resells floor coverings to any person other than the ultimate consumer, whether as distributor, jobber, agent, broker or importer;

(c) "Wool floor covering" means a floor covering in a manufactured state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Imported floor covering" means a floor covering in a manufactured state, imported from without the territorial limits of the United States, excluding hand knotted rugs;

(e) "Unit" means a floor covering offered for sale as a distinct item.*

§ 1352.60 *Effective date of Price Schedule No. 65.* This Schedule (§ 1352.51 to 1352.60, inclusive,) shall become effective January 5, 1942.*

Issued this 2d day of January 1942,†

LEON HENDERSON,
Administrator.

† Issued: 7 F.R. 124. Amended: 7 F.R. 183, 907.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 66—RETRADED AND RECAPPED RUBBER TIRES, THE RETREADING AND RECAPPING OF RUBBER TIRES, AND BASIC TIRE CARCASSES

The war being waged with the Japanese Empire makes uncertain the future shipment of rubber from the Far East, which has hitherto been supplying this country with the greatest part of its crude rubber. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. The production and sale of new rubber tires and tubes for ordinary civilian use have been greatly curtailed by Supplementary General Limitation Orders M-15-b¹ and M-15-c² of the Office of Production Management. The maximum prices for which new rubber tires and tubes may be sold at retail have been fixed by Price Schedule No. 63.³

A result of the regulation of the manufacture, sale and price of new rubber tires has been a sudden, greatly increased demand for basic tire carcasses, retreaded and recapped rubber tires and for the retreading and recapping of rubber tires. In a number of instances, in the last few weeks, prices, excited by the demand, have shot upward without regard to reason and with not even a claim of justification. Indeed, the price of camel back, the principal material used in the retreading and recapping process, was stabilized by action taken by the Office of Price Administration on December 3, 1941. To halt such flagrant profiteering and pending the outcome of a thorough investigation now in process of completion, the Office of Price Administration finds it necessary to issue a Price Schedule establishing as maximum prices the prices presently prevailing. These prices have been established after independent investigation and conferences with the industry.

Accordingly under the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.* On and after January 19, 1942, regardless of the terms of any contract of sale or other commitment: (a) no person shall sell, offer to sell, deliver or transfer any retreaded or recapped tire or any basic tire carcass at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1210; and (b) no person shall retread or recap any tire at prices higher than the maximum prices set forth in Appendix A hereof.*

§§ 1315.1201 to 1315.1210, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 FR. 1917, 4483.

§ 1315.1202 *Less than maximum prices.* Lower prices than those set forth

in § 1315.1210, Appendix A, may be charged or demanded.*

§ 1315.1203 *Evasion.* The price limitations set forth in Price Schedule No. 66 shall not be evaded whether by direct or indirect methods in connection with the sale, delivery or transfer of a tire carcass or retreaded or recapped rubber tire, alone or in conjunction with any other article or material, or in connection with the retreading or recapping of any rubber tire, by way of any commission, service, transportation or other charge, or by tying-agreement, or other trade understanding, or by increasing the charges for the extension of credit, or for the demounting or mounting of a tire on a vehicle, or rim or for any other service over those in effect on January 9, 1942, or by making the terms and conditions of sale more onerous to purchasers than those available or in effect on January 9, 1942, or by any other means. The purchaser shall always have the option of paying at the time of the purchase the full cash price for any basic tire carcass or retreaded or recapped rubber tire or for retreading or recapping any rubber tire. When a purchaser has a tire retreaded or recapped he shall have the option of bringing it to the seller's place of business without having it demounted from a vehicle or rim by the seller or having any other service performed, and of receiving delivery of any basic tire carcass or retreaded or recapped rubber tire at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.*

§ 1315.1204 *Posting of prices.* Every person engaged in the business of retreading or recapping rubber tires or of selling retreaded or recapped rubber tires or basic tire carcasses shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, or at which such retreading or recapping is contracted for, a statement setting forth the maximum prices which he is permitted to charge under Price Schedule No. 66 for such basic tire carcasses, retreaded or recapped rubber tires, and for retreading or recapping such rubber tires. For this purpose it shall be permissible to employ a copy of the printed list of maximum prices published by the Office of Price Administration if a copy of such list is then in the hands of such person. Such statement or list shall be posted not later than 8 AM on January 19, 1942.

If, on January 9, 1942, the seller made special charges for the extension of credit or for the demounting or mounting of tires or tubes on a rim or vehicle, or for any other service, and if he desires to continue such charges after January 19, 1942, such seller shall prepare a notarized statement listing the prices charged on January 9, 1942 for such extra service and shall post such statement not later than 8 AM on January 19, 1942, along with the statement or list of maximum prices required to be posted by this section.*

§ 1315.1205 *Records and reports.* (a) Every person engaged in the business of selling retreaded or recapped rubber tires or of retreading or recapping rubber tires shall furnish the purchaser with a written statement reciting (1) whether the

tire has been retreaded, full capped, or top capped; (2) the market price of the camelback used; and (3) the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(b) Every person engaged in the business of selling basic tire carcasses or retreaded or recapped rubber tires or of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of every sale of such articles or of every retreading or recapping operation performed including the date thereof, the name and address of the purchaser, the price per unit, the quantity and size of tires sold, retreaded or recapped, specifying whether the work was retreading, full capping or top capping, the market price of the camelback used, and the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(c) Every person engaged in the business of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of his entire inventory of camelback, showing the date of each purchase or acquisition, the name of the seller or source, the price paid and the stocks on hand as of the 19th and 31st days of January 1942 and of the last day of each succeeding month thereafter.

(d) Persons affected by Price Schedule No. 66 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1315.1206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, posting or record requirements, or other provisions of Price Schedule No. 66, or in the event of evasion or attempt to evade the price limitations, or other provisions of Price Schedule No. 66, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 66; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local government by calling to the attention of the proper authorities failures to comply with Price Schedule No. 66 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 66. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of basic tire carcasses, retreaded or recapped rubber tires or retreading or recapping rubber tires, or the hoarding or accumulating of un-

¹ 6 FR. 6406.

² 6 FR. 6792, 7 FR. 121.

³ 7 FR. 35.

necessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1315.1207 *Modification of Price Schedule No. 66.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 66 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 66.*

§ 1315.1208 *Definitions.* When used in Price Schedule No. 66 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying new rubber to the tread surface and side walls;

(c) "Recapping" means the process of applying a top cap or full cap to a used rubber tire;

(d) "Top cap" means a tread renewal where the worn tread of the tire is buffed off the top surface of the tire and new rubber is applied to the tread surface only;

(e) "Full cap" means a tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and new rubber is applied to both the tread surface and tire shoulders;

(f) "Purchaser" means a person who buys or offers to buy a basic tire carcass or retreaded or recapped tire, or who has any tire retreaded or recapped;

(g) "Seller" means a person who sells or offers to sell a basic tire carcass or retreaded or recapped rubber tire, or who retreads or recaps or offers to retread or recap used tires;

(h) "Basic tire carcass" means a used rubber tire retaining a maximum of $\frac{3}{32}$ inch of the original tread when measured at the shallowest point of the center circumference;

(i) "Tire" means any rubber tire of the size and type described in § 1315.1210, Appendix A, to Price Schedule No. 66;

(j) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of retreading.*

§ 1315.1209 *Effective date of Price Schedule No. 66.* This Schedule (§§ 1315.1201 to 1315.1210, inc.) shall become effective on January 19, 1942.

§ 1315.1210 *Appendix A: Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses—*

(a) *Retreading and recapping (tire carcass furnished by purchaser).* The maximum prices for retreading or recapping a tire are the prices set forth for such retreading or recapping in the following tables.

(b) *Retreaded and recapped tires (tire carcass furnished by seller).* The maximum prices for a retreaded or recapped tire, where the tire carcass is furnished by the seller are, regardless of the thickness of rubber on the tread of

such tire carcass, the sum of the price for the retreading or recapping plus the price for the tire carcass as set forth herein under the designation "Basic tire carcasses."

(c) *Basic tire carcasses.* The maximum prices for basic tire carcasses are the prices set forth herein under the designation "Basic tire carcasses."

TABLE I—Maximum prices for retreading, full capping or top capping passenger-car tires and for basic tire carcasses¹

Tire size	Maximum prices			Maximum prices			Basic tire carcasses. Add this price when over any tire carcass is furnished by seller
	When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over			When using camelback the market price of which, exclusive of Federal excise tax, is 21 to 26 cents per lb.			
	Tread design depths *			Tread design depths *			
	12/32" or more	10-11/32"	Less than 10/32"	12/32" or more	10-12/32"	Less than 10/32"	
4.50-20-----	\$5.25	\$4.90	\$4.55	\$4.80	\$4.45	\$4.10	\$1.60
4.50-21-----	5.70	5.30	4.90	5.15	4.80	4.45	1.60
4.75-19-----	5.80	5.40	5.00	5.25	4.90	4.55	1.60
5.00-19-----	5.95	5.55	5.15	5.45	5.05	4.65	1.60
5.25-17-----	6.55	6.10	5.65	5.95	5.55	5.15	1.60
5.25-18-----	6.85	6.40	5.95	6.30	5.85	5.40	1.60
5.25-19-----	6.90	6.45	6.00	6.35	5.90	5.45	1.60
5.50-16-----	6.95	6.50	6.05	6.40	5.95	5.50	1.60
5.50-17-----	7.10	6.60	6.10	6.50	6.05	5.60	1.60
5.50-18-----	7.70	7.20	6.70	7.10	6.60	6.10	1.60
5.50-19-----	7.95	7.40	6.85	7.30	6.80	6.30	1.60
6.00-16-----	7.60	7.00	6.50	6.95	6.45	5.95	1.60
6.00-17-----	8.45	7.90	7.35	7.85	7.30	6.75	1.60
6.00-18-----	9.10	8.50	7.90	8.45	7.85	7.25	1.60
6.00-19-----	9.55	8.90	8.25	8.85	8.25	7.65	1.60
6.25-16-----	8.25	7.70	7.15	7.65	7.10	6.55	1.60
6.50-16-----	8.70	8.10	7.50	8.05	7.50	6.95	1.60
6.50-17-----	10.10	9.40	8.70	9.35	8.70	8.05	1.60
6.50-18-----	10.25	9.55	8.85	9.60	8.85	8.20	1.60
6.50-19-----	10.35	9.65	8.95	9.60	8.95	8.30	1.60
7.00-15-----	10.15	9.45	8.75	9.40	8.75	8.10	1.60
7.00-16-----	10.35	9.65	8.95	9.60	8.95	8.30	1.60
7.00-17-----	11.45	10.65	9.85	10.65	9.90	9.15	1.60
7.00-18-----	11.55	10.75	9.95	10.75	10.00	9.25	1.60
7.00-19-----	11.90	11.10	10.30	11.15	10.35	9.55	1.60
7.50-15-----	11.45	10.65	9.85	10.65	9.90	9.15	1.60
7.50-16-----	11.60	10.80	10.00	10.80	10.05	9.30	1.60
7.50-17-----	12.00	11.20	10.40	11.25	10.45	9.65	1.60
7.50-18-----	12.20	11.35	10.60	11.35	10.55	9.75	1.60
7.50-19-----	12.45	11.60	10.75	11.60	10.80	10.00	1.60
8.25-16-----	15.35	14.30	13.25	14.40	13.40	12.40	1.60

Tire size	Maximum prices			Maximum prices			Basic tire carcasses. Add this price when over any tire carcass is furnished by seller
	When using camelback the market price of which, exclusive of Federal excise tax, is 17 to 21 cents per lb.			When using camelback the market price of which, exclusive of Federal excise tax, is less than 17 cents per lb.			
	Tread design depths ²			Tread design depths ²			
	12/32" or more	10-12/32"	Less than 10/32"	12/32" or more	10-12/32"	Less than 10/32"	
4.50-20.....	\$4.15	\$3.85	\$3.55	\$3.55	\$3.30	\$3.05	\$1.60
4.50-21.....	4.45	4.15	3.85	3.80	3.55	3.30	1.60
4.75-19.....	4.50	4.20	3.90	3.90	3.65	3.40	1.60
5.00-19.....	4.70	4.35	4.00	4.10	3.80	3.50	1.60
5.25-17.....	5.10	4.75	4.40	4.40	4.10	3.80	1.60
5.25-18.....	5.45	5.05	4.65	4.70	4.35	4.00	1.60
5.25-19.....	5.50	5.10	4.70	4.70	4.35	4.00	1.60
5.50-16.....	5.50	5.10	4.70	4.75	4.40	4.05	1.60
5.50-17.....	5.60	5.20	4.80	4.85	4.50	4.15	1.60
5.50-18.....	6.15	5.70	5.25	5.25	4.90	4.55	1.60
5.50-19.....	6.30	5.85	5.40	5.45	5.05	4.65	1.60
6.00-16.....	5.95	5.55	5.15	5.10	4.75	4.40	1.60
6.00-17.....	6.75	6.30	5.85	5.80	5.40	5.00	1.60
6.00-18.....	7.25	6.75	6.25	6.25	5.80	5.35	1.60
6.00-19.....	7.65	7.10	6.55	6.55	6.10	5.65	1.60
6.25-16.....	6.55	6.10	5.65	5.65	5.25	4.85	1.60
6.50-16.....	6.95	6.45	5.95	5.95	5.55	5.15	1.60
6.50-17.....	8.05	7.50	6.95	6.85	6.45	6.05	1.60
6.50-18.....	8.15	7.60	7.05	7.05	6.65	6.25	1.60
6.50-19.....	8.30	7.70	7.10	7.10	6.60	6.10	1.60
7.00-15.....	8.10	7.55	7.00	7.00	6.50	6.00	1.60
7.00-16.....	8.15	7.70	7.10	7.10	6.60	6.10	1.60
7.00-17.....	9.15	8.60	7.85	7.90	7.35	6.80	1.60
7.00-18.....	9.25	8.60	7.95	7.95	7.40	6.85	1.60
7.00-19.....	9.55	8.90	8.25	8.20	7.65	7.10	1.60
7.50-15.....	9.15	8.50	7.85	7.90	7.35	6.80	1.60
7.50-16.....	9.30	8.65	8.00	8.00	7.45	6.90	1.60
7.50-17.....	9.70	9.00	8.35	8.35	7.75	7.15	1.60
7.50-18.....	9.80	9.10	8.40	8.40	7.80	7.20	1.60
7.50-19.....	10.00	9.30	8.60	8.60	8.00	7.40	1.60
8.25-16.....	12.35	11.60	10.65	10.65	9.90	9.15	1.60

¹ When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

² Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE II—Maximum prices for retreading and full capping truck and bus tires and for truck and bus basic tire cases¹

Tire size	Maximum prices		When using camelback the market price of which, exclusive of Federal excise tax, is 20 cents per lb. or over		Tread design depths :	Maximum prices		When using camelback the market price of which, exclusive of Federal excise tax, is under 20 cents per lb.		Basis tire carcasses. Add this price whenever carcass is furnished by seller
	Less than 12/32"		12/32" or more			Tread design depths :		Tread design depths :		
	Less than 12/32"	12/32" or more	Less than 12/32"	12/32" or more		Less than 12/32"	12/32" or more			
6.00-20 30-5, 6 ply	\$7.60	\$7.05	\$7.80	\$7.25	\$6.75	\$6.20				
6.00-20 30-5, 8 ply	8.85	8.20	8.20	8.40	7.80	7.40				
6.00-20 30-5, 6 ply	10.00	9.25	9.50	9.50	8.80	8.40				
6.00-20 30-5, 8 ply	12.45	11.50	11.50	11.50	10.95	10.40				
6.50-20 32-6, 8 ply	11.50	10.45	10.45	10.70	9.95	9.40				
7.00-17 8 ply	11.30	11.40	11.30	11.70	10.80	10.40				
7.00-18 8 ply	12.80	11.80	12.80	12.15	11.25	10.80				
7.00-20 32-6, 10 ply	12.80	12.30	12.30	12.05	11.25	10.80				
7.00-24 30-6, 10 ply	14.45	13.35	13.35	13.75	12.70	12.30				
7.50-16 8 ply	12.90	11.95	11.95	12.25	11.55	11.10				
7.50-17 8 ply	13.50	12.45	12.45	12.80	11.60	11.15				
7.50-18 8 ply	13.70	12.70	12.70	13.05	12.20	11.75				
7.50-18 32-7, 10 ply	14.40	13.30	13.30	13.70	12.85	12.40				
7.50-18 32-7, 10 ply	16.25	14.15	14.15	14.55	13.25	12.80				
7.50-20 34-7, 10 ply	16.20	14.05	14.05	14.45	13.25	12.80				
7.50-20 34-7, 10 ply	17.15	15.00	15.00	15.40	14.05	13.60				
7.50-24 33-7 8 ply	17.60	15.45	15.45	15.85	14.50	14.05				
8.25-16 8 ply	10.05	9.05	9.05	9.45	8.40	8.00				
8.25-18 8 ply	21.55	20.25	20.25	20.75	18.80	18.40				
8.25-20 8 ply	21.55	20.25	20.25	20.75	18.80	18.40				
8.25-22 8 ply	21.85	20.55	20.55	21.05	19.10	18.70				
8.25-24 8 ply	21.10	19.80	19.80	20.30	18.35	17.95				
9.00-16 8 ply	23.75	22.05	22.05	22.65	20.80	20.40				
9.00-18 8 ply	23.75	22.05	22.05	22.65	20.80	20.40				
9.00-20 30-8 8 ply	20.95	21.35	21.35	21.45	19.20	18.80				
9.00-24 30-8 8 ply	26.60	25.55	25.55	26.25	23.00	22.60				
10.00-16 8 ply	25.45	24.05	24.05	24.25	21.20	20.80				
10.00-18 32-9 8 ply	38.45	35.45	35.45	37.75	33.20	32.80				
10.00-22 32-9 8 ply	20.15	20.05	20.05	20.15	18.35	18.25				
10.00-24 32-9 8 ply	20.65	20.45	20.45	20.55	18.85	18.65				
11.00-20 10 ply	31.60	31.00	31.00	31.60	28.75	28.35				
11.00-22 10 ply	33.80	33.20	33.20	33.80	30.75	30.35				
11.00-24 10 ply	35.10	34.45	34.45	35.10	32.05	31.65				
12.00-20 11 ply	41.95	40.65	40.65	41.75	38.00	37.60				
12.00-22 11 ply	45.70	44.25	44.25	45.10	40.15	39.75				
12.00-24 11 ply	47.45	45.75	45.75	46.60	42.35	41.95				
13.00-20 12 ply	52.60	50.90	50.90	52.00	46.60	46.20				
13.00-22 12 ply	56.30	54.30	54.30	56.25	49.40	49.00				
13.00-24 12 ply	59.75	57.45	57.45	59.40	52.25	51.85				
14.00-20 13 ply	69.15	66.60	66.60	68.75	61.25	60.85				
14.00-22 13 ply	74.15	71.15	71.15	73.45	66.25	65.85				

1 When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped, the sum of the prices for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

2 Figures expressed in terms of 321 inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE IV—Maximum prices for retreading, full capping or top capping truck airwheel tires and for truck airwheel basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
6.00-10.....	\$5.00	\$1.92
6.50-10.....	5.75	1.92
7.00-10 (TA-10).....	6.75	1.92
7.00-10.....	6.85	1.92
7.50-10.....	7.55	1.92
7.50-10.....	7.70	1.92
9.00-13.....	12.80	1.92

TABLE V—Maximum prices for retreading, full capping or top capping stop-start tires and for stop-start basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
No. 10.....	\$8.10	\$1.92
No. 13.....	8.95	1.92
No. 15.....	10.70	1.92
No. 16.....	12.30	1.92
No. 17.....	15.65	1.92
No. 11.....	7.95	1.92
No. 14.....	11.60	2.20
No. 17.....	14.20	4.12
No. 19.....	18.50	5.50
No. 20.....	18.10	4.40
No. 22.....	23.15	7.70
No. 23.....	29.50	8.80
No. 24.....	36.00	9.90
No. 40.....	44.50	11.00
No. 42.....	46.85	11.00
No. 48.....	49.90	13.20
No. 50.....	52.75	13.20
No. 62.....	64.95	13.20

TABLE VI—Maximum prices for retreading, full capping or top capping studded ground grip types and for studded ground grip type basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
5.25-17.....	\$5.35	\$1.37
5.50-17.....	5.85	1.37
6.00-10.....	6.15	1.37
6.25-10.....	6.50	1.37
6.50-10.....	7.10	1.37
7.00-10.....	8.40	1.37
7.00-10.....	8.60	1.37

¹ When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

TABLE VII—Maximum prices for retreading, full capping or top capping grader tires and for grader tire basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
6.00-20.....	\$10.55	\$3.85
6.50-20.....	13.40	3.85
7.00-20.....	22.10	5.50
7.00-24.....	26.50	6.60
7.50-24.....	29.05	7.70
8.25-20.....	30.40	8.80
8.25-24.....	32.70	8.80
9.00-24.....	34.65	9.90
10.00-24 (9.75-24).....	36.60	11.00
11.00-24 (10.50-24).....	37.65	13.20
12.00-24 (11.25-24).....	40.00	15.40
13.00-20 (12.75-20).....	41.70	16.50
13.00-24 (12.75-24).....	45.15	16.50
14.00-20 (13.50-20).....	62.95	17.60

TABLE VIII—Maximum prices for retreading, full capping or top capping motorcycle types and for motorcycle type basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
4.00-18.....	\$4.50	\$1.10
4.00-19.....	4.65	1.10
4.50-18.....	4.95	1.10
4.50-19.....	5.10	1.10
5.00-16.....	5.40	1.10

TABLE IX—Maximum prices for retreading, full capping or top capping ground grip type tires and for ground grip type basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
6.00-18 6 ply.....	\$8.75	\$1.92
6.00-20/30 x 5 6 ply.....	9.60	3.85
6.00-20/30 x 5 8 ply.....	11.35	5.50
6.50-20 6 ply.....	11.45	4.12
6.50-20/32 x 6 8 ply.....	14.40	5.50
7.00-17 6 ply.....	12.45	4.40
7.00-20 8 ply.....	14.95	5.50
7.50-15 6 ply.....	15.35	7.70
7.50-16 8 ply.....	11.20	4.00
7.50-17 8 ply.....	16.05	4.40
7.50-20 8 ply.....	17.70	5.50
7.50-20/34 x 7 10 ply.....	18.70	6.60
8.25-20.....	27.60	8.80
8.25-24.....	31.20	9.90
9.00-18.....	29.95	10.00
9.00-20/36 x 8.....	32.95	11.00
9.00-24/40 x 8.....	36.00	11.00
10.00-20/38 x 9.....	41.75	12.10
10.00-24/42 x 9.....	45.25	12.10
11.00-18.....	46.20	12.10
11.00-20.....	49.10	12.10
11.00-24.....	53.50	12.10
12.00-20.....	64.25	15.40
12.00-24.....	68.80	15.40
14.00-24.....	104.10	19.80
18.00-24.....	214.20	55.00
18.00-40.....	473.75	55.00
21.00-24 16 ply.....	333.70	72.50
21.00-24 20 ply.....	367.45	93.50
24.00-32 24 ply.....	844.45	137.50
24.00-32 34 ply.....	1,044.40	192.50
30.00-40 28 ply.....	1,655.00	220.00
30.00-40 34 ply.....	2,013.40	330.00
36.00-40 34 ply.....	2,584.95	440.00

TABLE X—Maximum prices for retreading, full capping or top capping truck and bus tires, off-the-road types, and for basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
EARTH MOVER TIRES		
7.50-20.....	\$17.80	\$6.60
8.25-20.....	22.25	9.00
9.00-20.....	29.95	11.00
10.00-20 (9.75-20).....	37.35	12.10
11.00-20 (10.50-20).....	42.55	13.20
12.00-20.....	51.00	15.40
13.00-20.....	58.75	16.50
14.00-20 (13.50-20).....	69.60	17.60
16.00-20.....	137.15	22.00
16.00-24.....	152.05	27.00
18.00-24.....	176.15	56.00
21.00-24.....	333.70	82.60
24.00-32.....	844.50	137.60

HARD ROCK TIRES

7.00-20 (32 x 6).....	22.45	7.70
7.50-20 (34 x 7).....	29.85	8.80
8.25-20.....	31.90	9.00
9.00-20.....	38.00	11.00
9.00-24.....	41.50	11.00
10.00-20 (9.75-20).....	48.10	12.10
10.00-24 (9.75-24).....	52.10	12.10
11.00-20 (10.50-20).....	58.54	13.20
11.00-24 (10.50-24).....	62.05	13.20
12.00-20.....	74.05	14.00
12.00-24 (11.25-24).....	79.30	15.40
13.00-24 (12.00-24).....	91.90	16.50
14.00-24 (13.50-24).....	119.85	27.60
16.00-24.....	245.15	33.00
18.00-24.....	276.00	56.00
21.00-24.....	350.35	82.60

TABLE XI—Maximum prices for retreading, full capping or top capping tractor tires and for tractor tire basic tire carcasses¹

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price when ever any tire carcass is furnished by the seller
FRONT WHEEL		
4.00-9.....	\$4.40	\$1.37
4.00-15.....	4.75	1.37
4.00-19.....	5.10	1.37
4.75-15.....	5.95	1.37
5.00-15.....	6.25	1.37
5.25-21.....	7.00	1.37
5.50-16.....	6.90	1.10
6.00-9.....	20.00	2.10
6.00-12.....	7.85	1.37
6.00-16.....	7.80	1.37
6.00-20.....	8.60	2.70
6.50-16.....	8.90	1.37
7.50-10.....	11.60	2.20
7.50-16.....	10.05	1.37
7.50-18.....	10.80	2.20
7.50-20.....	12.00	3.30
9.00-10.....	14.85	3.30
REAR WHEEL		
6.00-22.....	8.85	3.30
6.50-32.....	17.95	3.85
6.50-40.....	22.45	4.15
7.00-22.....	12.65	4.15
7.00-24 (8-24).....	10.35	4.40
7.00-40.....	24.95	4.40
7.50-22.....	13.50	4.40
7.50-24 (9-24).....	18.70	4.03
7.50-36 (9-36).....	32.05	6.60
7.50-40 (9-40).....	34.35	6.60
8.25-36 (10-36).....	31.90	6.60
9.00-24 (11-24).....	30.95	6.60
9.00-28 (11-28).....	33.25	6.60
9.00-36 (11-36).....	34.50	9.90
9.00-40 (11-40).....	35.60	10.45
10.00-36 (12-36).....	43.30	11.00

Tire size	Retreading, full capping and top capping	Base tire carcasses. Add this price whenever any tire carcass is furnished by the seller
REAR WHEEL		
10.00-40 (12-40)	\$46.70	\$11.00
11.25-24 (13-24)	38.40	12.20
11.25-28 (13-28)	42.00	12.65
11.25-36 (13-36)	47.45	13.20
11.25-40 (13-40)	53.10	13.75
12.75-24 (14-24)	46.55	14.30
12.75-28 (14-28)	51.50	14.85
12.75-32 (14-32)	56.65	15.40
13.50-24 (15-24)	52.00	15.40
13.50-28 (15-28)	57.70	15.95
13.50-32 (15-32)	62.40	16.50

¹ When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

(d) A special and limited exception from the maximum prices set forth in this Appendix has been granted to:

(1) The Texas Tire Treading Company, 1619 Congress Avenue, Houston, Texas by a letter of January 24, 1942 from the Office of Price Administration.

[Paragraph (d) added by amendment, February 3, 1942, effective February 3, 1942, 7 F.R. 727.]

Issued this 10th day of January 1942.*

LEON HENDERSON,
Administrator.

PART 1301—MACHINE TOOLS

REVISED PRICE SCHEDULE NO. 67—NEW MACHINE TOOLS

Machine tools are the equipment by which countless manufacturers produce vitally needed war materials essential to the fulfillment of the War Program.

Pyramiding up from the machine tool industry are all of the manufacturing organizations of the country. The market for machine tools therefore is dependent upon the demand for the products of other manufacturers. The War Program has placed billions of dollars of new orders with manufacturers of all types of military products and the impact of these orders has fallen, with concentrated effect, upon the manufacturers of machine tools. The demand for these products has been so great and so urgent that machine tool builders were given the first and one of the highest priority ratings of any industry.

Machine tool makers have been unable to keep pace with the orders for machine tools. The back-log of unfilled orders has steadily grown. Under such pressure the importance of price as a controlling force has been minimized. The time of delivery has become more important to buyers of machine tools than the price. Under such circumstances the inflationary danger is apparent.

Although the industry was asked, by a letter of May 6, 1941, to hold firm the prices quoted on that date, there have been increases since May which are not entirely reflected in the general index of machine tool prices as prepared by the Bureau of Labor Statistics. A substantial number of these increases have taken place without the approval of the Office of Price Administration.

Today, the War Program has placed upon this industry demands which far exceed anything experienced before. The Office of Price Administration believes that the voluntary program has not been adequate to meet the demands of the situation which has already developed.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as set forth in paragraph (b) of this section, no person shall sell, offer to sell, deliver or transfer any new machine tool or extra, and no person shall buy, offer to buy, or accept delivery of any new machine tool or extra (1) at a price higher than the list price of such machine tool or extra in effect on October 1, 1941; or,

(2) if there were no list price in effect on October 1, 1941, the maximum price shall be the last price at which such new machine tool or extra was sold from January 1, 1941 to October 1, 1941; or

(3) if the new machine tool or extra had no list price on October 1, 1941 and was not sold within the period from January 1, 1941 to October 1, 1941, the maximum price shall be the price on October 1, 1941 of the most nearly comparable machine tool or extra produced by the same manufacturer, adjusted to reflect increases or decreases in cost resulting from significant mechanical differences. If the maximum price is to be determined under this subparagraph, the proposed price and a description of such new machine tool or extra together with an indication of the machine tool or extra deemed by the manufacturer to be most nearly comparable and cost estimates indicating the changes in cost resulting from significant mechanical differences shall be submitted on Form 167:1 to the Office of Price Administration not less than 30 days before the date of delivery of such machine tool or extra and such price shall be the maximum price unless an objection is made by this Office within 15 days after the receipt of such information.

(b) The provisions of this section shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Procurement Division of the Treasury or any other agency of the United States prior to the effective date of Price Schedule No. 67.

(c) Nothing in this section shall prevent the inclusion, in any contract for the sale of any new machine tool or extra of a provision for adjustment of the original contract price on deliveries actually made more than nine months after

the date of execution of the contract, if such provision expressly limits payments made under the contract to the maximum price established by the Office of Price Administration or its successor and in effect on the date of delivery of any such new machine tool or extra.*

* §§ 1301.51 to 1301.59, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1301.52 *Less than maximum prices.* Lower prices than those set forth herein may be charged, demanded, paid or offered.*

§ 1301.53 *Evasion.* The price limitations set forth in Price Schedule No. 67 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of new machine tools or extras, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other special charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise, as a result of which the net price received by the seller of a machine tool or extra will exceed the net price which would have been received by such seller if such machine tool or extra had been sold on October 1, 1941. The provisions of this section shall not apply to discounts, allowances or concessions on sales by a manufacturer of new machine tools to a dealer in new machine tools.*

§ 1301.54 *Records and reports.* (a) Every manufacturer of and every dealer in new machine tools making any sale after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the list price on the date of sale, the gross price on the date of sale if there is no list price, the net price received, and the number and description of each type of new machine tool or extra sold.

(b) On or before February 15, 1942, every manufacturer of new machine tools shall file a statement on Form 167:2 with the Office of Price Administration setting forth (1) the list price on October 1, 1941 of each type and size of machine tool and extra offered for sale by such manufacturer on such date, any special charges, discounts, allowances or concessions in effect on October 1, 1941, and the last price between January 1, 1941, and October 1, 1941 on every machine tool or extra for which there was no price list in effect on October 1, 1941; and (2) the list price on May 6, 1941 of any type of machine tool or extra on which the price has been increased and the amount of any such increase, and on Form 167:3 the names and addresses of all dealers in new machine tools to whom such manufacturer has sold new machine tools since January 1, 1941.

(c) On or before April 1, 1942, every manufacturer of new machine tools shall file with the Office of Price Administration a certified balance sheet as of December 31, 1941, and a certified profit and loss statement for the year, 1941.

* Issued: 7 F.R. 252. Amended: 7 F.R. 727.

All balance sheets and profit and loss statements shall be duplicates of the statements filed with the Bureau of Internal Revenue in making income tax returns. Any corporation whose fiscal year does not coincide with the calendar year shall file a certified balance sheet and a profit and loss statement within three months of the close of such fiscal year in the same form as is required for corporations whose fiscal year coincides with the calendar year.

(d) Persons affected by Price Schedule No. 67 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1301.55 *Affirmations.* On or before April 10, 1942, and on or before the 10th day of each third month thereafter, every manufacturer of and every dealer in new machine tools who, during the preceding three calendar months has sold new machine tools or extras, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 167:4 containing as worn statement that during the preceding three months all offers to sell, sales, deliveries and transfers were made at prices in compliance with Price Schedule No. 67. Copies of Form 167:4 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations hereunder.*

§ 1301.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 67, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 67, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 67; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 67 which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 67, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 67. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of new machine tools, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1301.57 *Modification of Price Schedule No. 67.* Persons claiming hardship or inequity in the operation of Price Schedule No. 67 as a result of subcontracting or for any other reason may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 67.*

§ 1301.58 *Definitions.* When used in Price Schedule No. 67, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Price" means the price for a machine tool or extra f. o. b. manufacturer's plant and before adjustment for any special charges, discounts, allowances or concessions;

(c) "Net price" means the price for a new machine tool or extra plus any applicable special charges and less any applicable discounts, allowances or concessions;

(d) "Manufacturer of new machine tools" includes any agent of such manufacturer and does not include any person whose work on machine tools is restricted solely to the reconditioning or repair of used machine tools;

(e) "Dealer in new machine tools" means any person engaged in the business of purchasing new machine tools for resale;

(f) "User" means any purchaser of a new machine tool or extra other than a dealer in new machine tools;

(g) "Certified" referring to a balance sheet or profit and loss statement means a balance sheet or profit and loss statement sworn to be a correct statement of the financial condition of a corporation by the principal accounting officer of the corporation or other person having knowledge of the relevant facts and authorized by the corporation to certify in its behalf;

(h) "Machine tool" means all machines for the cutting, abrading, shaping and forming of metals;

(i) "Extra" means standard supplementary equipment furnished by the manufacturer at added cost above the price of any machine tool.*

§ 1301.59 *Effective date of Price Schedule No. 67.* This Schedule (§§ 1301.51 to 1301.59, inclusive) shall become effective January 20, 1942.*

Issued this 20th day of January 1942.*

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 68—HIDE GLUE STOCK

Hide Glue Stock consists of a group of animal materials, which are waste products of the meat packing, tanning and fur cutting industries. From these materials hide glue, an important adhesive with essential defense and civilian uses, is manufactured.

*Issued; 7 F.R. 445.

As a result of economic activity induced by the national defense program, the demand for hide glue stock has increased greatly in recent months. Inadequacy of the supply of hide glue stock has forced glue manufacturers to curtail hide glue production. The prices of nearly all kinds of hide glue stock have risen sharply as a result of competition among hide glue manufacturers in attempting to retain their customary raw material suppliers and to obtain new sources of supply. One material, for instance, which sold for \$1.75 per cwt. in 1940, is now commanding as much as \$6.50 per cwt. Such price advances have contributed to a 40% increase in hide glue prices since 1940. Further increases in the prices of hide glue stock are threatened.

After investigation and conferences with members of the hide glue stock industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue stock to prevent inflationary trends not only in the price of such stock but also in the prices of hide glue and other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.501 *Maximum prices for hide glue stock.* On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue stock in quantities of 100 pounds or more, and no person shall buy, offer to buy, or accept delivery of hide glue stock in quantities of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.510.*

*§§ 1335.501 to 1335.510, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.502 *Less than maximum prices.* Lower prices than those set forth in § 1335.510, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.503 *Evasion.* The price limitations set forth in Price Schedule No. 68 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hide glue stock, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.504 *Records and reports.* Every person making purchases or sales of hide glue stock in quantities of 100 pounds or more after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the hide glue stock purchased or sold,

Persons affected by Price Schedule No. 68 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.505 *Affirmations of compliance.* On or before March 20, 1942, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has purchased hide glue stock in quantities of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 168:1 containing a sworn statement that during such month all such purchases were made at prices in compliance with Price Schedule No. 68 or with any exception therefrom or modification thereof. Copies of Form 168:1 can be procured from the Office of Price Administration, or, *Provided*, That no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.506 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 68, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 68, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 68; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 68, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 68. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue stock, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.507 *Modification of Price Schedule No. 68.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 68 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 68.*

§ 1335.508 *Definitions.* When used in Price Schedule No. 68 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue stock" means the materials listed in § 1335.510, Appendix A, hereof, regardless of the uses to which such materials are to be put;

(c) "Seller's shipping point" means point of production or other point of distribution maintained by a producer or seller.*

§ 1335.509 *Effective date of Price Schedule No. 68.* This Schedule (§§ 1335.501 to 1335.510, inclusive) shall become effective January 20, 1942.*

§ 1335.510 *Appendix A: Maximum prices for hide glue stock.* (a) The following maximum prices are established for hide glue stock, f. o. b. seller's shipping point:

	Per cwt.
1. Green salted hide trimmings.....	\$1.10
Including green salted pates	
green salted tips	
cattle tail pieces	
2. Lined cattle trimmings.....	.00
Including lined hide trimmings	
lined cattle pieces	
3. Goat trimmings and pieces.....	.45
Including long haired	
short haired	
de-haired	
4. Lined calf trimmings.....	1.00
Including calf trimmings	
green lined calf	
5. Chrome stock.....	.50
Including chrome splits	
chrome shavings	
chrome trimmings	
6. Coney stock.....	3.50
7. Goat and sheep fleshings.....	.125
8. Packers trimmings.....	1.00
Including green salted ears, lips,	
snouts and tails	
green salted sinews and	
pizzles	
9. Sheep trimmings.....	.60
Including lined sheep trimmings	
lined sheep tails	
pickled sheep	
10. Horse fleshings.....	.30
11. Calf fleshings.....	.40
12. Horse and Beam trimmings.....	.50
Including green salted horse trim-	
mings	
lined horse trimmings	
beam trimmings	
horse tail pieces	
13. Sole leather fleshings.....	1.00
14. Common and #2 fleshings.....	.75
15. Other cattle fleshings.....	.65
Including sulfide fleshings	
kip fleshings	

(b) The above maximum prices do not apply to hide glue stock which is imported into the United States.*

Issued this 13th day of January 1942.*

LEON HENDERSON,
Administrator.

PART 1355—LEAD

REVISED PRICE SCHEDULE NO. 69—PRIMARY LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Military and essential civilian demands upon the supply of lead have become increasingly heavy. The present supply of lead will not suffice to meet these needs,

* Issued 7 F.R. 257.

and imports are threatened. The combination of increased demand and insufficient supply threatens a bidding up of the price of lead, which will materially increase the cost of the war effort and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.1 *Maximum prices for primary lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary lead, and no person shall buy, offer to buy, or accept delivery of primary lead, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.9.*

* §§ 1355.1 to 1355.9, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1355.2 *Less than maximum prices.* Lower prices than those set forth in § 1355.9, Appendix A, may be charged, demanded, paid or offered.*

§ 1355.3 *Evasion.* (a) The price limitations set forth in Price Schedule No. 69 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary lead, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of Price Schedule No. 69 provided that the buyer is willing to accept delivery thereof in a single shipment.*

§ 1355.4 *Records and reports.* Every person making purchases or sales of primary lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade or type purchased or sold, and (b) the quantity of primary lead (1) on hand, and (2), on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 69 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 69, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 69, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons

who comply with Price Schedule No. 69; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 69 which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Price Schedule No. 69; and (e) that the Supply Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Price Schedule No. 69. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of primary lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.6 *Modification of Price Schedule No. 69.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 69 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 69 and other Schedules issued by the Office of Price Administration.*

§ 1355.7 *Definitions.* When used in Price Schedule No. 69, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(c) "Primary lead" means (1) lead in the form of pigs, ingots, and other special shapes made from ores, concentrates, or bullion, even though other material is mixed therewith, provided such other material accounts for 50% or less of the lead content thereof, and (2) lead in the form of pigs, ingots, and other special shapes produced from lead made from ores, concentrates, or bullion even though other material is mixed therewith, provided such other material accounts for 50% or less of the lead content thereof;

(d) "Producer" means any person who makes pigs, ingots, or other special shapes of lead.

[§ 1355.7 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 726]

§ 1355.8 *Effective date of Price Schedule No. 69.* This Schedule (§§ 1355.1 to 1355.9, inclusive) shall become effective January 15, 1942.*

§ 1355.9 *Appendix A: Maximum prices for primary lead—(a) Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	Maximum price per pound (delivered buyer's rail receiving point)		
	St. Louis	New York	Other points
PIGS			
(1) Common lead.....	6.35¢	6.50¢	Base price.
(2) Corroding lead.....	6.45¢	6.60¢	Base price plus .10¢.
(3) Chemical lead.....	6.45¢	6.60¢	Base price plus .10¢.
(4) Copperized lead made from:			
(a) Common lead.....	6.40¢	6.55¢	Base price plus .05¢.
(b) Corroding lead.....	6.50¢	6.65¢	Base price plus .15¢.
INGOTS, LINKED INGOTS, OR OTHER SPECIAL SHAPES			
(1) Common lead.....	6.85¢	7.00¢	Base price plus .50¢.
(2) Corroding lead.....	6.95¢	7.10¢	Base price plus .60¢.
(3) Chemical lead.....	6.95¢	7.10¢	Base price plus .60¢.
(4) Copperized lead made from:			
(a) Common lead.....	6.90¢	7.05¢	Base price plus .55¢.
(b) Corroding lead.....	7.00¢	7.15¢	Base price plus .65¢.

When used in paragraph (a) of this section, in reference to carload lots, the term "Base Price" means the price

(1) *Sales of primary lead by the producer of the lead sold.*

	Maximum price, per pound (f. o. b. point of shipment)
For sale in lots of:	
20,000 lb. and less than a carload.....	Carload maximum price plus .15¢.
10,000 lb. and less than 20,000 lb.....	Carload maximum price plus .25¢.
2,000 lb. and less than 10,000 lb.....	Carload maximum price plus .40¢.
Less than 2,000 lb.....	Carload maximum price plus .50¢.

(2) *Sales by all other persons except plumbing supply houses.*

	Maximum price, per pound (f. o. b. point of shipment)
For sale in lots of:	
20,000 lb. and less than a carload.....	Carload maximum price plus .65¢.
10,000 lb. and less than 20,000 lb.....	Carload maximum price plus .75¢.
2,000 lb. and less than 10,000 lb.....	Carload maximum price plus 1.00¢.
Less than 2,000 lb.....	Carload maximum price plus 1.50¢.

(3) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) of this section plus an amount not to exceed the difference between (i) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold on the same grade of lead and (ii) the price paid by such supply house for such lead in the last purchase prior to such sale.

(4) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Primary lead in less than carload lots may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 69, in all price quota-

quoted in paragraph (c) of this section at the point of delivery. If the point of delivery is not listed, the price listed for the nearest point in distance to the point of delivery shall prevail.

The above grades of primary lead are to be determined in accordance with the specifications of the American Society for Testing Materials. Primary lead which fails to meet such standards should be sold at normal differentials below the established maximum prices.

The minimum quantity making up a carload lot for the purposes of Price Schedule No. 69 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(b) *Sold and shipped, delivered, or carried away in less than carload lots.* The term "Carload maximum price" referred to in subparagraphs (1) and (2) below means the maximum price as determined in paragraph (a) of this section, except that for the purposes of subparagraphs (1) and (2) below the maximum price shall be determined at the point of shipment instead of at the point of delivery. In this determination, the term "Base Price" means the price quoted in paragraph (c) of this section at the point of shipment. If the point of shipment is not listed, the price listed for the nearest point in distance to the point of shipment shall prevail.

tions (i) the transportation charge must be shown as a separate item and (ii) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 69.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 69, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's

plant, warehouse, or yard, such other point is the point of shipment.

[The headnotes of § 1355.9 (b) (1), (b) (2) as amended; and 1355.9 (b) (3) as amended, February 10, 1942, effective February 10, 1942; 7 F.R. 936]

(c) Table of base prices.

Basing point	Price per lb. in cents
Alabama:	
Birmingham	6.55
Fairfield	6.55
California:	
Los Angeles	6.50
Melrose	6.50
Oakland	6.50
San Francisco	6.50
Colorado:	
Denver	6.50
Connecticut:	
Bridgeport	6.55
New Haven	6.55
New London	6.55
Torrington	6.55
Waterbury	6.55
Waterville	6.55
Georgia:	
Atlanta	6.55
Macon	6.90
Idaho:	
Silver King	6.50
Illinois:	
Aurora	6.40
Chicago	6.40
Cicero	6.40
Dixon	6.40
East Alton	6.35
Evanston	6.40
Granite City	6.40
Greenville	6.40
Greenwood Blvd.	6.40
Joliet	6.40
Kensington	6.40
Peoria	6.40
Waukegan	6.40
W. Pullman	6.40
Indiana:	
Charlestown	6.50
Gary	6.40
Grassell	6.40
Hammond	6.40
Indianapolis	6.50
Kokomo	6.50
Marion	6.50
Muncie	6.50
Whiting	6.40
Iowa:	
Keokuk	6.35
Kansas:	
Topeka	6.35
Kentucky:	
Louisville	6.50
Louisiana:	
Baton Rouge	6.50
New Orleans	6.60
Maryland:	
Baltimore	6.50
Massachusetts:	
Boston	6.55
Cambridge	6.55
Springfield	6.55
Worcester	6.55
Michigan:	
Detroit	6.50
Port Huron	6.50
River Rouge	6.50
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Mississippi:	
Hattiesburg	6.75
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.85

Basing point	Price per lb. in cents
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grassell	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebbing	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.50
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.50
Long Island City	6.50
Maspeth, L. I.	6.50
New York	6.50
Niagara Falls	6.50
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Charlotte	6.80
Durham	6.80
Raleigh	6.80
Winston-Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E. Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E. Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.55
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55

Basing point	Price per lb. in cents
South Carolina:	
Spartanburg	6.75
Tennessee:	
Lenoir City	6.70
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Welton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Millwaukee	6.40
New Glarus	6.40
New London	6.40

Issued this 13th day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1355—LEAD

REVISED PRICE SCHEDULE NO. 70—LEAD SCRAP MATERIALS; SECONDARY LEAD, INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Lead is a basic requirement for military and essential civilian needs. A considerable portion of the lead supply comes from secondary materials. The increased demands upon the supply of lead, together with threatened reduction in imports, have created a critical situation in the secondary lead field. Prices have advanced beyond those of primary lead, and further increases will raise the direct cost of the war effort, and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.51 *Maximum prices for lead scrap materials other than battery lead scrap.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer lead scrap materials, and no person shall buy, offer to buy, or accept delivery of lead scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.64.*

* §§ 1355.51 to 1355.69, inclusive, issued pursuant to authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1355.52 *Maximum prices for secondary lead including calking lead.* On

¹ Issued: 7 F.R. 284. Amended: 7 F.R. 726, 936.

and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary lead, and no person shall buy, offer to buy, or accept delivery of secondary lead at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1355.65.*

§ 1355.53 *Maximum prices for battery lead plates purchased and sold by brokers.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, in the execution of a brokerage sale (a) no broker shall sell, offer to sell, deliver or transfer battery lead plates, and no broker shall buy, offer to buy, or accept delivery of battery lead plates, and (b) no person shall sell, offer to sell, deliver or transfer battery lead plates to a broker, and no person shall buy, offer to buy, or accept delivery of battery lead plates from a broker, at prices higher than the maximum prices set forth in Appendix C hereof, incorporated herein as § 1355.66.*

§ 1355.54 *Maximum prices for battery lead scrap purchased by smelters or battery manufacturers.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, (a) no smelter or battery manufacturer shall buy, offer to buy, or accept delivery of battery lead scrap, and (b) no person shall sell, offer to sell, deliver or transfer battery lead scrap to such smelter or battery manufacturer, at prices higher than the maximum prices set forth in Appendix D hereof, incorporated herein as § 1355.67.*

§ 1355.55 *Maximum prices for primary and secondary antimonial lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer antimonial lead, and no person shall buy, offer to buy, or accept delivery of antimonial lead, at prices higher than the maximum prices set forth in Appendix E hereof, incorporated herein as § 1355.68.*

§ 1355.56 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D, E, and F may be charged, demanded, paid, or offered.*

§ 1355.57 *Evasion.* (a) The price limitations set forth in Price Schedule No. 70, shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, alone or in conjunction with any other material, or by way of any commission, except as provided in § 1355.66 hereof, or by way of any service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of secondary lead or antimonial lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of Price Schedule No. 70, provided that the buyer is willing to accept delivery thereof in a single shipment.

(c) Any agreement or transaction in connection with which a smelter processes lead scrap materials or battery lead scrap for any person on toll shall be considered to be an evasion of Price Schedule No. 70, unless such agreement or transaction has first been approved in writing by the Office of Price Administration.*

§ 1355.58 *Records and reports.* (a) Any broker or smelter completing a contract for brokerage sales as defined in § 1355.62 of Price Schedule No. 70 shall submit under oath to the Office of Price Administration not later than the 10th day after the completion of delivery thereunder a complete and accurate record of such contract showing:

- (1) The date of the contract,
- (2) The names and addresses of the contracting parties,
- (3) The dates of the first and last shipments thereunder made to and received by the smelter,
- (4) The quantity contracted for and the quantity delivered, and
- (5) The broker's commission paid, if any.

(b) Every person making purchases or sales of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (2) the quantity of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead (i) on hand, and (ii) on order, as of the close of each calendar month.

(c) In addition to fulfilling the other requirements of Price Schedule No. 70, every smelter or battery manufacturer making purchases of battery lead plates after January 15, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase, including the date of purchase, the name and address of the seller, the price paid, the quantity received, and the results of the sample assay made thereof in accordance with the requirements of Price Schedule No. 70.

(d) All records recording the purchase, sale, or transfer after January 15, 1942, of lead scrap material, secondary lead, battery lead scrap, or antimonial lead shall refer thereto, in addition to such other classifications as may be employed by the maker or keeper of said records, in the terms in which they are respectively classified in Price Schedule No. 70.

(e) Persons affected by Price Schedule No. 70 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.59 *Affirmations of compliance by smelters of battery lead plates or battery manufacturers purchasing battery lead plates.* On or before February 10, 1942, and on or before the 10th day of

each month thereafter, every smelter of battery lead plates or battery manufacturer purchasing battery lead plates shall submit to the Office of Price Administration an affirmation of compliance on Form 170:1, containing a sworn statement that during the preceding month in compliance with Price Schedule No. 70 an assay has been made in the manner prescribed in § 1355.67 of Price Schedule No. 70 of every shipment and delivery of battery lead plates received by said smelter or purchased by said battery manufacturer. Copies of Form 170:1 can be procured from the Office of Price Administration, or, provided no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1355.60 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 70, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 70, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 70; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 70, which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 70; and (e) that the Supply, Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 70. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.61 *Modification of Price Schedule No. 70.* (a) Persons complaining of hardship or inequity in the operation of Price Schedule No. 70 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 70, and other Schedules issued by the Office of Price Administration.

(b) Any person producing from scrap materials corroding lead of the speci-

cations established by the American Society for Testing Materials may apply to the Office of Price Administration for permission to sell such materials at a premium to be established by the Office of Price Administration. Such permission will be granted only when it is proved to the satisfaction of the Office of Price Administration that the material for which such application is made meets the required specifications.*

§ 1355.62 *Definitions.* When used in Price Schedule No. 70, the term:

(a) "Antimonial lead" includes both primary and secondary antimonial lead and means any lead-antimony alloy in the form of pigs or special shapes containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than $\frac{1}{2}$ % tin;

(b) "Base price" means the price listed in § 1355.69, Appendix F, hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail;

(c) "Battery lead plates" means scrap battery lead plates either with or without lugs, liners, separators, and/or battery mud;

(d) "Battery lead scrap" means the kinds, types, and grades of battery lead scrap set forth in Appendices C and D (§§ 1355.66 and 1355.67) of Price Schedule No. 70;

(e) "Broker" means any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a period of 30 days and (2) routes all shipments under such contracts from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter;

(f) "Brokerage sale" means a sale under a firm contract in which any person agrees (1) to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a thirty-day period, and (2) routes all shipments under such contract from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter;

(g) "Carload lot" means the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination;

(h) "Hard lead scrap" means any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony;

(i) "Lead scrap materials" means the kinds, types, and grades of lead scrap materials set forth in § 1355.64, Appendix A, of Price Schedule No. 70;

(j) "On toll" means under an arrangement whereby the smelter is paid a servicing charge for processing the materials;

(k) "Person" means an individual, partnership, association, corporation, or other business entity;

(l) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(m) "Sample assay" means an assay performed according to the requirements set forth in § 1355.67, Appendix D, of Price Schedule No. 70;

(n) "Secondary lead" includes secondary caking lead, and means lead more than 50% of the lead content of which shall be obtained from scrap material;

[Paragraph (n) amended February 2, 1942, effective February 2, 1942; 7 F.R. 727]

(o) "Single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays;

(p) "Smelter" means any person who melts or fuses lead scrap materials including, but in no way limiting the generality thereof, battery lead plates.*

(q) "Producer" means any person who makes pigs, ingots, or other special shapes of lead.

[Paragraph (q) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 727]

§ 1355.63 *Effective date of Price Schedule No. 70.* This Schedule (§§ 1355.51 to 1355.69, incl.) shall become effective January 15, 1942.*

§ 1355.64 *Appendix A: Maximum prices for lead scrap materials other than battery lead scrap—(a) Maximum prices.* "Base price" means the price listed in § 1355.69, Appendix F, hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

Grade or type of lead scrap material	Maximum price per pound (f. o. b. point of shipment)
Soft lead scrap.....	Base price less .55¢
Hard lead scrap.....	Base price less .55¢
Battery lugs.....	Base price less .55¢
Lead content of lead-covered copper cable.....	Base price less .55¢
Cable lead scrap.....	Base price less .55¢

The maximum prices established herein are the maximum prices to be paid for the lead scrap materials enumerated above in a clean condition after the free iron, rubber, and other foreign materials are removed.

merated above in a clean condition after the free iron, rubber, and other foreign materials are removed.

Hard lead scrap shall be considered to include any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Lead scrap materials may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.65 *Appendix B: Maximum prices for secondary lead, including caking lead—(a) Maximum prices.* "Base price" means the price listed in § 1355.69, Appendix F, hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	Maximum price, per pound (f. o. b. point of shipment)
Low-grade secondary pig lead (containing less than 99.73% lead).....	Base price less .15¢.
Low-grade secondary lead ingots, linked ingots, and other special shapes (containing less than 99.73% lead).....	Base price plus .10¢.
High-grade secondary pig lead (certified to contain not less than 99.73% lead).....	Base price.
High-grade secondary lead ingots, linked ingots, and other special shapes (certified to contain not less than 99.73% lead).....	Base price plus .50¢.

The minimum quantity making up a carload lot for the purposes of Price Schedule No. 70 will be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(2) *Sold and shipped, delivered, or carried away in less than carload lots—*

(1) *Sales of secondary lead by the producer of the lead sold.*

For sales of secondary lead in lots of	Maximum price, per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload.....	Carload price as determined in Paragraph (a) (1) of this Section plus .15¢.
10,000 lbs. and less than 20,000 lbs.....	Carload price as determined in Paragraph (a) (1) of this Section plus .25¢.
2,000 lbs. and less than 10,000 lbs.....	Carload price as determined in Paragraph (a) (1) of this Section plus .40¢.
Less than 2,000 pounds.....	Carload price as determined in Paragraph (a) (1) of this Section plus .50¢.

[Headnote (1) as amended February 2, effective February 2, 1942; 7 F.R. 727]

(II) Sales by all other persons except plumbing supply houses.

For sales of secondary lead in lots of

Maximum price, per pound
(f. o. b. point of shipment)

20,000 lbs. and less than a carload...	Carload price as determined in Paragraph (a) (1) of this Section plus .65¢.
10,000 lbs. and less than 20,000 lbs...	Carload price as determined in Paragraph (a) (1) of this Section plus .75¢.
2,000 lbs. and less than 10,000 lbs....	Carload price as determined in Paragraph (a) (1) of this Section plus 1.00¢.
Less than 2,000 pounds.....	Carload price as determined in Paragraph (a) (1) of this Section plus 1.50¢.

[Headnote (II) as amended February 10, effective February 10, 1942; 7 F.R. 936]

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(III) Sales by plumbing supply houses. No plumbing supply house shall sell, offer to sell, deliver, or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) (1) of this Section plus an amount not to exceed the difference between (a) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold of the same grade of lead and (b) the price paid by such supply house for such lead in the last purchase prior to such sale.

[Subdivision (III) as amended February 10, effective February 10, 1942; 7 F.R. 936]

(b) Terms of sale. The maximum prices set forth above are f. o. b. point of shipment. Secondary lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.66 Appendix C: Maximum prices for battery lead plates purchased and sold by brokers—(a) Maximum prices for brokerage sales—(1) Single shipments of 8,000 pounds or more. The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢

multiplied by

the percentage of metal content in the plates as determined by the smelter-purchaser thereof by a sample wet assay upon receipt of the shipment at his plant

less

1.10¢

(2) Single shipments of less than 8,000 pounds. For a single shipment of less than 8,000 pounds, not less than \$3.00 shall be subtracted from the maximum price for the entire shipment as determined in accordance with subparagraph (a) (1) of this section.

(3) Single shipment. For the purposes of Prices Schedule No. 70 the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(4) Lugs. The above prices for battery lead plates are applicable whether said plates are sold with or without lugs attached.

(5) Weight of shipment. The weight of the battery lead plates at the time the assay sample is taken and the assay made shall be used to determine the maximum price in accordance with this section.

[Subparagraph (5) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 727]

(b) Commission on brokerage sales. Any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a 30-day period and (2) routes all shipments under such contracts from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter may receive from the smelter-purchaser, upon completion of each such contract, a commission not exceeding \$1.00 a ton of the gross (wet) weight received under each contract provided all of the following requirements are fulfilled:

(1) Complete delivery of all the material called for in the contract is made

to the smelter-purchaser within a period of 30 days;

(2) The commission is shown as a separate charge on all records;

(3) The broker does not split or divide the commission with any other person;

(4) The contract is fully performed before the commission, or any portion thereof, is received by the broker; and

(5) Complete and accurate records of each such sale are submitted to the Office of Price Administration as are required by § 1355.58 of Price Schedule No. 70.

(c) Terms of sale. The maximum prices set forth above are f. o. b. point of shipment. Battery lead plates may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70 in all price quotations (1) the transportation charge must be shown as separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70. Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70 the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.67 Appendix D: Maximum prices for battery lead scrap purchased by smelters or battery manufacturers—(a) Battery lead plates, with or without lugs attached—(1) Single shipments of 8,000 pounds or more. The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢

multiplied by

the percentage of metal content in the plates as determined by the smelter-purchaser or battery manufacturer thereof by a sample wet assay upon receipt of the shipment at his plant

1.10¢

less

(2) Single shipments of less than 8,000 lbs. For a single shipment of less than 8,000 pounds, not less than \$3.00 shall be subtracted from the maximum price for the entire shipment as deter-

mined in accordance with subparagraph (a) (1) of this section.

(3) *Single shipment.* For the purposes of this Schedule, the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(4) *Weight of shipment.* The weight of the battery lead plates at the time the assay sample is taken and the assay made shall be used to determine the maximum price in accordance with this section.

[Subparagraph (4) added by amendment February 2, effective February 2, 1942; 7 F.R. 727]

(b) *Used storage batteries (in boxes), drained of liquid.* The maximum price per cwt., f. o. b. point of shipment, is \$2.39.

Used storage batteries (in boxes) may be shipped to a smelter or battery manufacturer in an undrained condition, but the weight and price thereof shall be determined after the boxes are drained.

The maximum prices for used storage batteries (in boxes) set forth herein do not apply to rebuilders of used storage batteries.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Battery lead scrap may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(d) *Sample assay.* Every sample assay of battery lead plates required to be made pursuant to Price Schedule No. 70 shall satisfy the following requirements:

(1) A wet or chemical assay shall be made of the metal and dross derived from the sample.

(2) The sample shall be selected at random from the shipment in a manner consistent with the past practice of the trade and shall be of a size not smaller than is consistent with such past practice.

(3) The assay in every other respect

shall be performed in a manner consistent with the purpose of determining accurately the metal content of the shipment of battery lead plates.*

§ 1355.68 Appendix E: *Maximum prices for primary and secondary antimonial lead*—(a) *Maximum prices.* When used in Price Schedule No. 70, the term "base price" means the price quoted in § 1355.69, Appendix F hereof, at the point of shipment. If the point of ship-

(2) *Sold and shipped, delivered, or carried away in less than carload lots.*

For sales of antimonial lead in lots of

	Maximum price, per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload...	Carload price as determined in Paragraph (a) (1) of this Section plus .15¢.
10,000 lbs. and less than 20,000 lbs...	Carload price as determined in Paragraph (a) (1) of this Section plus .25¢.
2,000 lbs. and less than 10,000 lbs...	Carload price as determined in Paragraph (a) (1) of this Section plus .40¢.
Less than 2,000 pounds.....	Carload price as determined in Paragraph (a) (1) of this Section plus .50¢.

(3) *Differentials for sales in special shapes.* For sales of antimonial lead in ingots, billets, or other special shapes, there may be added to the maximum prices set forth above a differential of .30 cent a pound.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Antimonial lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) *Antimonial lead.* When used in Price Schedule No. 70, the term "antimonial lead" means any lead-antimony alloy in the form of pigs or special shapes, containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than 1/2% tin.*

§ 1355.69 Appendix F: *List of base prices.*

Basing point	Price per lb. in cents
Alabama:	
Birmingham.....	6.53
Fairfield.....	6.55

ment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.* The maximum price per pound, f. o. b. point of shipment, for any grade or type of antimonial lead sold in pigs shall be equal to 14 cents a pound for the antimony content plus the base price of lead for the remainder.

Basing point	Price per lb. in cents
California:	
Los Angeles.....	6.50
Melrose.....	6.50
Oakland.....	6.50
San Francisco.....	6.50
Colorado:	
Denver.....	6.50
Connecticut:	
Bridgeport.....	6.55
New Haven.....	6.55
New London.....	6.55
Torrington.....	6.55
Waterbury.....	6.55
Waterville.....	6.55
Georgia:	
Atlanta.....	6.55
Idaho:	
Silver King.....	6.50
Illinois:	
Aurora.....	6.40
Chicago.....	6.40
Cicero.....	6.40
Dixon.....	6.40
E. Alton.....	6.35
Evanston.....	6.40
Granite City.....	6.40
Greenville.....	6.40
Greenwood Blvd.....	6.40
Joliet.....	6.40
Kensington.....	6.40
Peoria.....	6.40
Waukegan.....	6.40
West Pullman.....	6.40
Indiana:	
Charlestown.....	6.50
Gary.....	6.40
Grasselli.....	6.40
Hammond.....	6.40
Indianapolis.....	6.50
Kokomo.....	6.50
Marion.....	6.50
Muncie.....	6.50
Whiting.....	6.40
Iowa:	
Keokuk.....	6.35
Kansas:	
Topeka.....	6.35
Kentucky:	
Louisville.....	6.50
Louisiana:	
Baton Rouge.....	6.50
New Orleans.....	6.60
Maryland:	
Baltimore.....	6.50
Massachusetts:	
Boston.....	6.55
Cambridge.....	6.55
Springfield.....	6.55
Worcester.....	6.55
Michigan:	
Detroit.....	6.50
Port Huron.....	6.50
River Rouge.....	6.50

Basing point	Price per lb. in cents
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.35
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grasselli	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebling	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.50
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.50
Long Island City	6.50
Maspeh, L. I.	6.50
New York	6.50
Niagara Falls	6.50
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Winston-Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E. Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E. Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.55
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50

Basing point	Price per lb. in cents
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55
Tennessee:	
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Weirton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

Issued this 13th day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1357—CADMIUM

REVISED PRICE SCHEDULE NO. 71—PRIMARY & SECONDARY CADMIUM

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary and secondary cadmium is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

Cadmium is required for both military and essential civilian needs. Increased demands upon the supply of cadmium have created a critical situation in the secondary cadmium field. Prices of secondary cadmium have advanced far beyond those of primary cadmium and tend to make it impossible for persons in the trade to cooperate with the Government in maintaining price stability and in preventing excessive and speculative price increases. Such increases in the price of secondary cadmium impose an unfair burden on producers of primary cadmium who have refrained from selling at prices higher than those approved by the Office of Price Administration.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1357.1 *Maximum prices for primary and secondary metallic cadmium.* On and after January 19, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer metallic cadmium, and no person shall buy, offer to buy, or accept delivery of metallic cadmium, at prices higher than the maximum prices set forth in Appen-

dix A hereof, incorporated herein as § 1357.9.*

*§§ 1357.1 to 1357.9, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1357.2 *Less than maximum prices.* Lower prices than those set forth in § 1357.9, Appendix A, of Price Schedule No. 71 may be charged, demanded, paid, or offered.*

§ 1357.3 *Evasion.* (a) The price limitations set forth in Price Schedule No. 71 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of metallic cadmium, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any agreement or transaction in connection with which any material containing cadmium is processed or treated on toll to obtain metallic cadmium therefrom shall be considered to be an evasion of Price Schedule No. 71, unless the total of the cost of materials, the charge for processing or treating the material, and all other charges in connection with the processing, treatment, handling, and delivery of said material in order to obtain metallic cadmium therefrom, does not exceed, on a per pound basis, the maximum prices established by Price Schedule No. 71.*

§ 1357.4 *Records and reports.* Every person making purchases or sales of metallic cadmium after January 19, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each type or shape purchased or sold; and (b) the quantity of metallic cadmium (1) on hand and (2) on order as of the close of each calendar month.

Persons affected by Price Schedule No. 71 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1357.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 71 or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 71, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the government interest and the interests of those persons who comply with Price Schedule No. 71, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper au-

¹ Issued: 7 F.R. 286. Amended: 7 F.R. 727, 936.

thorities failures to comply with Price Schedule No. 71 which may be regarded as grounds for the revocation of licenses and permits. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of metallic cadmium, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the office of Price Administration.*

§ 1357.6 *Modification of Price Schedule No. 71.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 71 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom, provided that no application under this section will be considered unless filed by persons complying with Price Schedule No. 71 and all other Schedules issued by the Office of Price Administration.*

§ 1357.7 *Definitions.* When used in Price Schedule No. 71, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Metallic cadmium" means the types and shapes of metallic cadmium set forth in Appendix A, § 1357.9, of this Schedule, regardless of the materials from which they are produced; and

(c) "On toll" means an arrangement whereby a servicing charge is paid for processing or treating material containing cadmium.*

§ 1357.8 *Effective date of Price Schedule No. 71.* This Schedule (§§ 1357.1 to 1357.9, inclusive) shall become effective January 19, 1942.*

§ 1357.9 *Appendix A: Maximum prices for primary and secondary metallic cadmium.*

Type or Shape	Maximum Price, per pound (Delivered)
Anodes, balls, discs, and all other special or patented shapes	95¢
Bars, ingots, pencils, pigs, plates, rods, slabs, sticks, and all other "regular" straight or flat forms	90¢

The prices quoted above are delivered prices before discounts of any nature have been deducted. Deductions for percentage and character of impurities should be made according to customary trade practices.*

Issued this 16th day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1340—FUEL

REVISED PRICE SCHEDULE NO. 72—BUNKER C AND NO. 6 GRADE FUEL OILS, EAST AND GULF COASTS

Bunker C and No. 6 grade fuel oils are the heavy residual oils used extensively for fueling both merchant vessels and the navies of the United States and the United Nations. They are also used in

large quantities by industrial plants, many of which are engaged in war production. Some is imported, some is shipped from the Gulf to the East Coast by tanker, and some is produced on the East Coast from crude petroleum shipped there by tanker. The bulk of the deliveries of Bunker C and No. 6 fuel oils is controlled by companies owning their own tanker fleets or producing these fuel oils at their own refineries.

Requests have been received from certain companies engaged in the sale of Bunker C fuel for approval of a higher price than the base price of \$1.35 per barrel f. o. b. New York Harbor, which was the prevailing maximum contract price in the second half of 1941. After consideration of all pertinent factors, including the actual cost of ocean transportation, maximum time charter rates, handling charges, and the supply position and financial status of the companies in the trade, it was found that \$1.35 per barrel f. o. b. New York Harbor is a proper maximum price on which to base the prices of Bunker C and No. 6 grade fuel oils.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.101 *Maximum prices for Bunker C and No. 6 grade fuel oils on the East and Gulf Coasts.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer Bunker C and No. 6 grade fuel oils and no person shall buy, offer to buy or accept delivery of Bunker C and No. 6 grade fuel oils at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.109.*

*§§ 1340.101 to 1340.109, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.102 *Less than maximum prices.* Lower prices than those set forth in § 1340.109, Appendix A, may be charged, demanded, paid or offered.*

§ 1340.103 *Evasion.* The price limitations set forth in Price Schedule No. 72 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Bunker C and No. 6 grade fuel oils, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1340.104 *Records and reports.* Persons affected by Price Schedule No. 72 shall keep such records and submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1340.105 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 72, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 72, or in the event of any ministration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress

and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 72; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 72 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 72.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Bunker C and No. 6 grade fuel oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1340.106 *Modification of Price Schedule No. 72.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 72 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 72.*

§ 1340.107 *Definitions.* When used in Price Schedule No. 72 the term "person" means an individual, partnership, association, corporation or other business entity.*

§ 1340.108 *Effective date of Price Schedule No. 72.* This Schedule (§ 1340.101 to 1340.109, inclusive) shall be effective as of January 9, 1942.*

§ 1340.109 *Appendix A: Maximum prices for Bunker C and No. 6 grade fuel oils on the East and Gulf Coasts, f. o. b. refineries and terminals (ex lighterage).*

Location of refineries or terminals:	Maximum price per barrel
Albany, N. Y.	\$1.55
New York, N. Y.	1.35
Philadelphia, Pa.	1.35
Baltimore, Md.	1.35
Norfolk, Va.	1.35
Portland, Me.	1.35
Boston, Mass.	1.35
Providence, R. I.	1.35
Charleston, S. C.	1.30
Savannah, Ga.	1.30
Jacksonville, Fla.	1.30
Tampa, Fla.	1.25
New Orleans, La.	.85
Gulf Coast points not specified above	.85

Maximum differentials for ports on the East Coast not specified above shall be based on the low quotations for such ports in Platt's Oilgram on January 9, 1942.*

Issued this seventeenth day of January 1942.¹

LEON HENDERSON,
Administrator.

¹Issued: 7 F.R. 400.

¹Issued: 7 F.R. 398.

PART 1363—FEEDINGSTUFFS

REVISED PRICE SCHEDULE NO. 73—FISH MEAL

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of fish meal have risen approximately \$16.00 per ton during the past two months. This price increase of approximately 26 percent indicates that supplies are being withheld in the expectation of further price increases, since the 1941 catch of fish was probably the largest on record. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of these ingredients is necessary. Price Schedule No. 73 temporarily establishes the general level of prices prevailing on January 17, 1942, as the maximum prices for fish meal. Upon the completion of studies now in progress, a permanent schedule of maximum prices for fish meal will be established.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 73 appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.1 *Maximum prices for fish meal.* On and after January 20, 1942, no person shall sell, offer to sell, deliver, or transfer fish meal at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1363.10, except that contracts entered into prior to January 20, 1942, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.*

*§§ 1363.1 to 1363.10, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1363.2 *Exempt sales.* Sales at retail are excepted from the operation of Price Schedule No. 73.*

§ 1363.3 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 73 may be charged, demanded, paid or offered.*

§ 1363.4 *Evasion.* The price limitations set forth in Price Schedule No. 73 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fish meal or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.5 *Records and reports.* On and after January 20, 1942, every manufacturer of fish meal making any sale of fish meal and every person purchasing fish

meal from a manufacturer of fish meal shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale, including the date thereof, the name of the seller or purchaser, the amount purchased or sold, and the price paid or received.

Every person affected by Price Schedule No. 73 shall submit such reports to The Office of Price Administration as it may from time to time require.*

§ 1363.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of Price Schedule No. 73, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 73, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 73; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 73 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 73.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of fish meal, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1363.7 *Modification of Price Schedule No. 73.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 73 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 73.*

§ 1363.8 *Definitions.* When used in Price Schedule No. 73, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Fish meal" means clean, dry, ground tissues of undecomposed whole fish, fish cuttings, or fish scraps with or without the extraction of part of the oil.

(c) "Grade" refers to the percentage of protein content per ton of fish meal.

(d) "Sales at retail" means a sale to the ultimate user: *Provided*, That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(e) "Commercial distributors" means persons performing a recognized function in the physical distribution of fish meal.

(f) In the phrase "similar amount to a similar purchaser" the word "similar" means that amount and that type of purchaser with respect to which the same mark-up applied or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.9 *Effective date of Price Schedule, No. 73.* This Schedule (§§ 1363.1 to 1363.10, inclusive) shall become effective on January 20, 1942.*

§ 1363.10 *Appendix A: Maximum prices for sales of fish meal—(a) Maximum prices for sales of fish meal, f. o. b. conveyance, at coastal shipping points—(1) Maximum prices for sales of fish meal in new bags.*

Guaranteed minimum percentage of protein per ton (percent)	Shipping point price per ton	
	Pacific coast	Atlantic and Gulf coasts
	Dollars	Dollars
55.....	63.00	60.00
58.....	67.00	70.00
60.....	69.00	72.00
62.....	71.00	75.00
65.....	75.00	77.00
67.....	77.00	80.00
70.....	81.00	82.00

(2) *Maximum prices for sales of fish meal in used bags.* To determine the maximum price per ton for fish meal sold in used bags, subtract \$1.00 in each instance from the prices specified in subparagraph (1) above.

(3) *Maximum prices for sales of fish meal shipped in bulk.* To determine the maximum price per ton for fish meal shipped in bulk, subtract \$3.00 in each instance from the prices specified in subparagraph (1) above.

(b) *Maximum delivered prices for sales of fish meal.* The maximum delivered price per ton to any point shall be the maximum shipping point price determined under paragraph (a) (1), (2), or (3) above, plus the transportation charge at the lowest established rate available for an identical shipment to such point.

(c) *Maximum prices for sales of fish meal manufactured at points other than coastal points.* (1) The maximum shipping point price per ton, f. o. b. conveyance, for fish meal manufactured at points other than coastal points shall be the maximum delivered price at the point of manufacture for the same type of fish meal shipped from the nearest coastal point where such type is manufactured, as determined under paragraph (b) above.

(2) The maximum delivered price per ton for fish meal manufactured at points other than coastal points shall be the shipping point price established under paragraph (c) (1) above, plus the transportation charge at the lowest established rate available for an identical shipment to the point of delivery.

(d) *Maximum price for sales of fish meal by commercial distributors.* The maximum price for sales of fish meal by

commercial distributors shall be the maximum price established under paragraph (a) (b) or (c) above, or the price paid under Price Schedule No. 73 to another commercial distributor of fish meal, plus the mark-up in terms of dollars per ton charged or that would have been charged by the seller on January 17, 1942, in selling in the same locality the same kind and grade of fish meal in a similar amount to a similar purchaser. Fish meal purchased by a commercial distributor from a manufacturer or a commercial distributor of fish meal located outside the several States of the United States shall not be sold at prices higher than the maximum prices established under this paragraph for sales of fish meal purchased from a manufacturer or a commercial distributor of fish meal located within the several States of the United States.*

Issued this 17th day of January 1942,†

LEON HENDERSON,
Administrator.

PART 1363—FEEDINGSTUFFS

REVISED PRICE SCHEDULE NO. 74—ANIMAL PRODUCT FEEDINGSTUFFS

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry, and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of animal product feedingstuffs have risen approximately \$12.50 per ton. This price increase of approximately 20 percent indicates that supplies are being held in expectation of further price increases. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of animal product feedingstuffs is necessary. Price Schedule No. 74 temporarily establishes the prices prevailing on January 17, 1942, as the maximum prices. Upon the completion of studies now in progress a permanent Schedule of maximum prices for animal product feedingstuffs will be established.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 74 appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.51 *Maximum prices for animal products used as feedingstuffs.* On and after January 20, 1942, no person shall sell, offer to sell, deliver or transfer animal product feedingstuffs at prices higher than the maximum prices, except that contracts entered into prior to January 20, 1942, providing for prices higher than the maximum prices may be carried out at the contract prices. The

maximum prices shall include commissions and all other charges.

(a) The maximum shipping point price for any kind and grade of animal product feedingstuff shall be:

(1) The highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point such kind and grade on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell such grade on January 17, 1942, for delivery within thirty days in a similar amount to the same type of purchaser, the maximum shipping point price shall be the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point the same kind of animal product feedingstuff of a different grade or in a different amount or to a different type of purchaser on January 17, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing on January 17, 1942; or

(3) If the seller did not sell such kind of animal product feedingstuff on January 17, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of such kind of animal product feedingstuff shall be the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold in the market nearest the seller's shipping point on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(b) The maximum delivered price to any point shall be the maximum shipping point price determined under paragraph (a) plus the transportation charge at the lowest available established rate available for an identical shipment to such point.*

*§§ 1363.51 to 1363.59, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1363.52 *Exempt sales.* Sales at retail are excepted from the operation of Price Schedule No. 74.*

§ 1363.53 *Less than maximum prices.* Lower prices than those established in Price Schedule No. 74 may be charged, demanded, paid, or offered.*

§ 1363.54 *Evasion.* The price limitations established by Price Schedule No. 74 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of animal product feedingstuffs alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the pur-

chaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.55 *Records and reports.* Every person making sales, except sales at retail, of animal product feedingstuffs on and after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the kind and grade of animal product feedingstuff sold.

Every person affected by Price Schedule No. 74 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1363.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 74, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 74, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 74; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 74 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 74.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of animal product feedingstuffs, or of the hoarding or accumulating of unnecessary inventories, are urged to communicate with the Office of Price Administration.*

§ 1363.57 *Modification of Price Schedule No. 74.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 74 may apply to the Office of Price Administration for approval of any modifications thereof or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with Price Schedule No. 74.*

§ 1363.58 *Definitions.* When used in Price Schedule No. 74, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Feedingstuffs" means commodities used as such or as ingredients in the manufacture of mixed feeds for the feeding of livestock and poultry. The term

*Issued: 7 F.R. 401.

"animal product feedingstuff" includes the following:

Blood meal, Blood flour, Meat, Meat by-products, Meat meal, Meat scraps, Digester tankage, meat meal tankage or feeding tankage, Digester tankage with bone, meat and bone meal digester tankage, Meat and bone meal tankage, or feeding tankage with bone, Raw bone meal, Steamed bone meal, Special steamed bone meal, Bone charcoal or bone black, Spent bone black.

(c) "Grade" refers to the percentage of protein content per ton of feedingstuff.

(d) "Sale at retail" means a sale to the ultimate user: *Provided*, That, no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(e) In the phrase "similar amount to the same type of purchaser," the word "similar" means that amount, and the word "same" means that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.59 *Effective date of Price Schedule No. 74.* This Schedule (§§ 1363.51 to 1363.59, inclusive) shall become effective January 20, 1942.*

Issued this 17th day of January 1942.†

LEON HENDERSON,
Administrator.

PART 1362—CERAMIC PRODUCTS

REVISED PRICE SCHEDULE NO. 75—DEAD-BURNED GRAIN MAGNESITE

The most widely employed basic refractory material is dead-burned magnesite which is used in brick form largely to line basic open hearth steel and other metallurgical furnaces, and in grain form to maintain these furnaces by providing a protective covering for the refractory brick, principally on the furnace bottom. Price Schedule No. 75 establishes maximum prices only for the maintenance grades of domestic dead-burned grain magnesite.

Dead-burned magnesite is made by calcining crude magnesite (magnesium carbonate) or brucite (magnesium hydroxide) at high temperatures or by chemically processing brines or seawater bitters. In the past the United States has imported substantial quantities of dead-burned magnesite, but the spread of war has almost entirely shut off foreign sources of supply. Existing domestic facilities are inadequate to satisfy expanded demands arising from increased output of steel, copper, and other materials required by the war effort. As a consequence, capacities of the domestic producers of dead-burned grain magnesite have been subject to vigorous competing demands of steel companies seeking maintenance material, and of refiners and smelters of non-ferrous metals and metallurgical products, and of brick manufacturers requiring other grades of grain magnesite.

The Office of Price Administration has determined that the establishment of maximum prices for maintenance grades of domestic dead-burned grain magnesite is essential to preserve price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. Adoption of the prevailing market price as the maximum contained in Price Schedule No. 75 was determined to be fair and reasonable after extensive investigation; discussions with the Office of Production Management, and full consideration of all relevant factors, including the need of encouraging domestic production, and after a conference with the industry.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1362.1 *Maximum prices for maintenance grades of dead-burned magnesite.* (a) On and after January 28, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, and no person shall buy, offer to buy, or accept delivery of maintenance grades of domestic dead-burned grain magnesite in carload quantities at prices higher than the maximum price.

(b) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bulk shall be \$22.00 a ton f. o. b. Chewelah, Washington. A delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus railroad freight from Chewelah to the point of delivery designated by the purchaser.

(c) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bags or sacks shall be the maximum price stated in paragraph (b) above, plus \$4.00 a ton to cover the cost of packaging.

(d) The following exception to the maximum-price set forth above has been granted: In sales by the Westvaco Chlorine Products Corporation from its Patterson plant to its regular customers located in California, the maximum price shall be \$32.00 a ton f. o. b. Chewelah, Washington. Additions for delivered prices and sales in bags or sacks shall be the same as set forth above. This exception is subject to the terms and conditions contained in a letter from the Office of Price Administration to said company, dated February 9, 1942.*

[Paragraph (d) added by amendment February 9, 1942; effective February 9, 1942; 7 F.R. 935]

*§§ 1362.1 to 1362.9, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1362.2 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 75 may be charged, demanded, paid, or offered.*

§ 1362.3 *Evasion.* The price limitations set forth in Price Schedule No. 75 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of

maintenance grades of domestic dead-burned grain magnesite, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on January 6, 1942; or by any other means.*

§ 1362.4 *Records and reports.* Every person who, during any calendar month after January 1942, shall purchase or sell one carload or more of maintenance grades of domestic dead-burned grain magnesite, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of each such purchase or sale showing (a) the date thereof, (b) the name and address of the buyer and the seller, (c) the point of delivery to the buyer, (d) the price paid or received, (e) whether the grain magnesite was shipped in bulk or in bags or sacks, and (f) the quantities sold or purchased.

Persons affected by Price Schedule No. 75 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1362.5 *Affirmation of compliance.* On or before April 10, 1942, and on or before the tenth day of April, July, September, and January thereafter, every seller required by section 1362.4 to keep records, shall submit to the Office of Price Administration, Washington, D. C., an affirmation of compliance on Form 175:1, containing a sworn statement that during such months all sales governed by Price Schedule No. 75 were made at prices in compliance with Price Schedule No. 75 or with any exception therefrom or modification thereof. Copies of Form 175:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1362.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 75, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 75, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 75; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 75 which may be regarded as grounds for the revocation of licenses and permits; and

* Issued: 7 F.R. 402.

(d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 75. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of maintenance grades of domestic dead-burned grain magnesite, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1362.7 *Modification of Price Schedule No. 75.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 75 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 75.*

§ 1362.8 *Definitions.* When used in Price Schedule No. 75, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Delivered price" means the price including all commissions and freight to the railroad siding nearest the location designated by the purchaser;

(c) "Carload quantity" means a shipment of maintenance grades of domestic dead-burned grain magnesite the weight of which is sufficient to constitute a carload shipment or on which the charges would be collected at the car load rate under the tariffs of the railroad furnishing the car.*

§ 1362.9 *Effective date of Price Schedule No. 75.* This Schedule (§§ 1362.1 to 1362.9, inclusive) shall become effective January 28, 1942.*

Issued this 21st day of January 1942.*

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 76—HIDE GLUE

Hide glue is an essential adhesive used in the production of abrasives, furniture, printing press rollers, paper products, gum tape, rayon and matches. Abrasives produced from hide glue play an important part in the grinding and polishing of metals required in the manufacture of armaments.

As a direct consequence of expanded economic activity induced by the armament program, the demand for hide glue has risen greatly in recent months. In spite of increased production in 1941, there is a shortage of this commodity which is reflected in a sharp reduction in producers' inventories. The price of hide glue (251 gram jelly strength) in bags, carlot quantities, has increased from less than 17¢ per pound at the end of 1940 to 23¢ per pound at the close of

1941. This advance in price is only partly due to increased costs of production. Further price increases are threatened.

A major item in the cost of producing hide glue has recently been stabilized by the issuance of Price Schedule No. 68, establishing maximum prices for hide glue stock, from which hide glue is manufactured.

After investigation and conferences with members of the hide glue industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue to prevent inflationary trends in the prices of hide glue and many other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.701 *Maximum prices for hide glue.* On and after January 28, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue in quantities of 100 pounds or more, and no person shall buy, offer to buy or accept delivery of hide glue in quantities of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.709.*

*§§ 1335.701 to 1335.709, inclusive issued pursuant to the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1335.702 *Less than maximum prices.* Lower prices than those set forth in § 1335.709, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.703 *Evasion.* The price limitations set forth in Price Schedule No. 76 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hide glue, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.704 *Records and reports.* (a) Every person making purchases or sales of hide glue in quantities of 100 pounds or more after January 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers of the hide glue purchased or sold.

(b) On or before March 10, 1942, and on or before the 10th day of each month thereafter, every jobber, who during the preceding calendar month has sold hide glue in containers of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affidavit sworn to by such jobber showing for such previous calendar month (1) the aggregate amounts in pounds of his purchases and sales of hide glue; (2) the aggregate

amount in pounds of his sales of hide glue for which he charged prices in excess of the maximum prices for sales by producers established by Price Schedule No. 76; (3) and such other information as the Office of Price Administration shall require.

(c) Persons affected by Price Schedule No. 76, shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.705 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 76, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 76, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 76; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 76 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 76.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.706 *Modification of Price Schedule No. 76.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 76 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 76.*

§ 1335.707 *Definitions.* When used in Price Schedule No. 76, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue" means hide glue, including chrome glue and coney glue, of the grades listed in § 1335.709, Appendix A, hereof;

(c) "Jobber" means a person engaged in the warehousing and reselling of hide glue, but does not include a producer of hide glue, or any person controlled by or under common control with a producer, or a person consuming hide glue in the

* Issued: 7 F.R. 446. Amended: 7 F.R. 935.

production of materials other than adhesives.*

§ 1335.708 *Effective date of Price Schedule No. 76.* This Schedule (§§ 1335.701 to 1335.709, inclusive) shall become effective January 28, 1942.*

§ 1335.709 *Appendix A: Maximum prices for hide glue—(a) Carload lots—(1) Hide glue other than chrome glue and coney glue.* The following maximum prices are established for hide glue, other than chrome and coney glue, in carload lots:

[Dollars per pound, delivered]

Grade of hide glue (jelly test in grams)	Sold by producers		Sold by jobbers	
	Bags (100 lbs. or more)	Barrels	Bags (100 lbs. or more)	Barrels
100-121.....	\$.14	\$.145	\$.16	\$.165
122-149.....	.15	.155	.17	.175
150-177.....	.16	.165	.185	.19
178-206.....	.17	.175	.195	.20
207-236.....	.18	.185	.205	.21
237-266.....	.19	.195	.22	.225
267-298.....	.20	.205	.225	.23
299-330.....	.21	.215	.235	.24
331-362.....	.22	.225	.25	.255
363-394.....	.23	.235	.26	.265
395-427.....	.24	.245	.27	.275
428-460.....	.25	.255	.28	.285
461-494.....	.26	.265	.29	.295
495-529.....	.27	.275	.305	.31

(2) *Chrome glue and coney glue.* (i) The maximum prices for chrome glue and coney glue (jelly test in grams 267 or higher), in carload lots, are the maximum prices established in sub-paragraph (1) of this paragraph (a), plus 2¢ per pound.

(ii) The maximum prices for chrome glue and coney glue (jelly test in grams less than 267), in carload lots, are the maximum prices established in sub-paragraph (1) of this paragraph (a) plus 1¢ per pound.

(b) *Less than carload lots.* The maximum prices for hide glue, chrome glue and coney glue, in less than carload lots, are the maximum prices established in paragraph (a) above, plus 1¢ per pound.

(c) *Grinding of 30 mesh or finer.* The maximum prices for hide glue, chrome glue and coney glue, when ground to 30 mesh or finer, are the maximum prices established by paragraph (a) or (b) above, whichever the case may be, plus ½¢ per pound.

(d) *Containers.* No charges for containers may be added to the maximum prices established above.

Issued this 26th day of January 1942.†

LEON HENDERSON,
Administrator.

PART 1345—COKE

REVISED PRICE SCHEDULE NO. 77—BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

Maximum prices have already been established for pig iron (Price Schedule No. 10*) and iron and steel scrap (Price Schedule No. 4*), as well as by-product furnace and foundry coke (Price Sched-

ule No. 29*), vital elements of iron and steel costs. In the increased production of iron and steel necessitated by war requirements, beehive oven furnace coke becomes an essential raw material. Without question, the tremendous steel production achieved in 1941 would have been impossible without the greatly expanded use of beehive ovens located principally in Pennsylvania.

With only partial control of coke prices, the bidding of consumers is being diverted from by-product furnace and foundry coke now covered by a ceiling price regulation, with the creation of a constantly increasing pressure on prices of beehive oven furnace coke. A further upward movement of beehive oven furnace coke prices would unquestionably exert undue pressure on the costs and therefore the prices of iron and steel products which constitute the backbone of the war requirements. Prices of beehive oven furnace coke produced in Pennsylvania have risen during the 8-months period from January, 1941 to October 1941 approximately 80¢ per ton, or about 15% of the market price. Since October 1, 1941, its price has been maintained with difficulty at \$6.00 per ton f. o. b. cars ovens, Connellsville, Pennsylvania.

After full investigation and conferences with representatives of the coke industry, it has been determined that the establishment at this time of maximum prices for beehive oven furnace coke produced in Pennsylvania is in the interest of our national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1345.51 *Maximum delivered prices for beehive oven furnace coke produced in Pennsylvania.* On and after January 26, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania to any consumer, and no consumer shall buy, offer to buy or accept delivery of beehive oven furnace coke produced in Pennsylvania at a delivered price higher than \$6.00 per net ton f. o. b. cars ovens Connellsville, Pennsylvania, plus the transportation charges from Connellsville, Pennsylvania to the place of delivery as customarily computed.*

*§§ 1345.51 to 1345.59, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1345.52 *Less than maximum prices.* Lower prices than those set forth in § 1345.51 may be charged, demanded, paid or offered.*

§ 1345.53 *Evasion.* The price limitations set forth in Price Schedule No. 77 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of beehive oven furnace coke produced in Pennsylvania, alone or in conjunction with any other material, or by way of any commission, cross-billing,

service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise.*

§ 1345.54 *Records and reports.* Every person making purchases or sales of beehive oven furnace coke produced in Pennsylvania after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price f. o. b. cars ovens at Connellsville, Pennsylvania, the price paid or received at the place of delivery and the quantity purchased or sold, and (b) the quantity of beehive oven furnace coke produced in Pennsylvania (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 77 shall submit such reports to the Office of Price Administration as it may from time to time, require.*

§ 1345.55 *Affirmations of compliance.* On or before February 2, 1942, and on or before the 10th day following each calendar quarter thereafter, every person selling beehive oven furnace coke produced in Pennsylvania shall submit to the Office of Price Administration an affirmation of Compliance on Form 177:1, containing a sworn statement that during such quarter all sales of beehive oven furnace coke produced in Pennsylvania were made at prices in compliance with Price Schedule No. 77 or with any exceptions thereto or modifications therefrom. Copies of Form 177:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, such forms may be prepared by the producer submitting it.*

§ 1345.56 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of Price Schedule No. 77, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of the price of beehive oven furnace coke produced in Pennsylvania, or of the hoarding or accumulation of unnecessary inventories of such product, are urged to communicate with the Office of Price Administration.*

§ 1345.57 *Modification of Price Schedule No. 77.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 77 may apply to the Office of Price Administration for approval of

† Issued: 7 F.R. 544.

* 6 F.R. 3100.

* 6 F.R. 6688, 6766.

* 6 F.R. 4821.

any modification thereof or exception therefrom: *Provided*, That no applications will be considered unless filed by persons complying with Price Schedule No. 77 and other Schedules issued by the Office of Price Administration. Such applications shall be submitted in a separate letter captioned "Application for Relief from Price Schedule No. 77—Beehive Oven Furnace Coke Produced in Pennsylvania," and shall not be contained in any filing of information or prices required to be filed under Price Schedule No. 77.*

§ 1345.58 *Definitions*. When used in Price Schedule No. 77 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Beehive oven furnace coke produced in Pennsylvania" means coke produced in Pennsylvania in beehive ovens and commonly used for smelting in the ferrous and non-ferrous industries, and for other industrial purposes: *Provided*, That foundry coke when used in an iron foundry shall not be deemed beehive oven furnace coke within the meaning of this section.

§ 1345.59 *Effective date of Price Schedule No. 77*. This Schedule (§ 1345.51 to 1345.59, inclusive) shall become effective January 26, 1942.*

§ 1345.60. *Geographical application*. The provisions of Price Schedule No. 77 shall apply only to sales, offers to sell or deliveries of beehive oven furnace coke produced in Pennsylvania moving within, into or out of one of the forty-eight States of the United States, or the District of Columbia.

[§ 1345.60 added by amendment February 5, 1942, effective February 5, 1942; 7 F.R. 822.]

Issued this 26th day of January 1942.*

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 78—OXALIC ACID

Oxalic acid is an organic acid used in the tanning of leather, in the production of celluloid, rayon, and blueprint paper, and for many other industrial purposes. It is also used in the manufacture of an explosive called "pentaerythritol."

As a direct consequence of expanded economic activity induced by the national defense program, the demand for oxalic acid has increased greatly in the last year. The price charged by producers for crystalline oxalic acid in barrels, carlot quantities, which had remained at 10½ cents per pound for five years, increased between July 1 and October 1, 1941, to 11½ cents per pound. Numerous sales by resellers have been reported at prices ranging from twenty to forty cents per pound. Further price increases are threatened.

After investigation and conferences with members of the oxalic acid industry and representatives of other government agencies, the Office of Price Administration has found that there are no justifiable reasons for prices of crystalline oxalic acid in barrels, carlot quantities, in excess of 11½ cents per pound. Increases in such prices at this time would, therefore, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.551 *Maximum prices for oxalic acid*. On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer oxalic acid in containers of 100 pounds or more, and no person shall buy, offer to buy or accept delivery of oxalic acid in containers of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.559.*

*§§ 1335.551 to 1335.559 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917; 4463.

§ 1335.552 *Less than maximum prices*. Lower prices than those set forth in § 1335.559, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.553. *Evasion*. The price limitations set forth in Price Schedule No. 78 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of oxalic acid, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of oxalic acid or otherwise.*

§ 1335.554 *Records and reports*. Every person making purchases or sales of oxalic acid in containers of 100 pounds or more after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the oxalic acid purchased or sold.

Persons affected by Price Schedule No. 78 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1335.555 *Enforcement*. In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of Price Schedule No. 78, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 78, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public

interest and interests of those persons who comply with Price Schedule No. 78; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 78 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 78.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of oxalic acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.556 *Modification of Price Schedule No. 78*. Persons complaining of hardship or inequity in the operation of Price Schedule No. 78 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 78.*

§ 1335.557 *Definitions*. When used in Price Schedule No. 78, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Oxalic acid" means crystalline and powdered oxalic acid.

(c) "Producer's shipping point" means any of the following points: Jersey City, N. J.; Niagara Falls, N. Y.; Buffalo, N. Y.; or Chicago Heights, Illinois.*

§ 1335.558 *Effective date of Price Schedule No. 78*. This Schedule (§§ 1335.551 to 1335.559, inclusive) shall become effective February 2, 1942.*

§ 1335.559 *Appendix A: Maximum prices for oxalic acid—(a) Delivered from producers' shipping points*. (1) The maximum prices for oxalic acid delivered from a producer's shipping point are established as follows:

	Carlot quantities	Less than carlot quantities	
		(10,000 lbs. or more)	(Less than 10,000 lbs.)
Crystalline Oxalic Acid in barrels or other containers (more than 250 lbs.)	11½	11½	12½
Crystalline Oxalic Acid in kegs, drums, or other containers (100 lbs. to 250 lbs. inclusive)	11½	12	13
Powdered Oxalic Acid in barrels or other containers (more than 250 lbs.)	12½	12½	13½
Powdered Oxalic Acid in kegs, drums, or other containers (100 lbs. to 250 lbs. inclusive)	12½	13	14

*Issued: 7 F.R. 545. Amended: 7 F.R. 822.

(2) The above maximum prices are f. o. b. the producer's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from producers' shipping points, viz.: Jersey City, N. J.; Niagara Falls, N. Y.; Buffalo, N. Y.; or Chicago Heights, Illinois. The maximum prices which a purchaser may pay for oxalic acid delivered to him from a producer's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that producer's shipping point from which the transportation rate to destination is least.

(b) *Delivered from local stocks.* The maximum prices for oxalic acid delivered from local stocks maintained at points other than a producer's shipping point shall not exceed a price ex seller's warehouse equal to the maximum prices listed in subparagraph (1) of paragraph (a) above, plus the transportation charge on a shipment of identical quantity over standard routes to seller's warehouse from that producer's shipping point from which the transportation rate to seller's warehouse is least.

(c) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of oxalic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) The maximum prices for shipments by vessel, f. a. s. vessel at the port of shipment, are the maximum prices listed in subparagraph (1) of paragraph (a) above, plus the transportation charges on a shipment of identical quantity over standard routes to alongside vessel at the port of shipment from that producer's shipping point from which the transportation charges to alongside vessel at the port of shipment are least, plus \$.006 per pound.

(2) The maximum prices for overland shipments are the maximum prices established by paragraphs (a) and (b) above, plus \$.004 per pound.

(3) No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1), (2), and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, (iii) in the case of overland shipments, transportation charges from seller's shipping point to destination permitted to be added by paragraphs (a) and (b) above, and (iv) foreign agent's commission unless the foreign agent's commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established above.*

Issued this 28th day of January 1942.*

LEON HENDERSON,
Administrator.

*Issued: 7 F.R. 585.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 79—CARBON TETRACHLORIDE

Carbon tetrachloride is an important chemical used in dry cleaning fluids, fire extinguishers, fumigants, and the production of refrigerants. It is also used for the cleaning of machine tools and metal parts employed in the manufacture of airplane engines, military trucks, munitions and many other products.

As a result of economic activity induced by defense expenditures, there has been a substantial increase in the demand for carbon tetrachloride. A shortage of chlorine, essential in the manufacture of carbon tetrachloride, has restricted expansion in the production of the latter chemical. Consequently, the supply of carbon tetrachloride is inadequate. Producers' prices, after remaining constant for nearly three years, were increased on October 1, 1941, from the base price of 66 cents per gallon for drums in carload lots to 73 cents per gallon. Prices charged by resellers have advanced, in some instances, to two or three times their previous levels. Further price increases are threatened.

After complete investigation and conferences with members of the industry and representatives of other government agencies, the Office of Price Administration has determined that maximum prices should be established for carbon tetrachloride to prevent inflationary price trends in this commodity and that the maximum prices set forth below are fair and equitable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.601 *Maximum prices for carbon tetrachloride.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer carbon tetrachloride in containers of five gallons or more, and no person shall buy, offer to buy or accept delivery of carbon tetrachloride in containers of five gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.609.*

*§§ 1335.601 to 1335.609, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.602 *Less than maximum prices.* Lower prices than those set forth in § 1335.609, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.603 *Evasion.* The price limitations set forth in Price Schedule No. 79 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of carbon tetrachloride, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.604 *Records and reports.* Every person making purchases or sales of carbon tetrachloride in containers of five

gallons or more on and after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity including the size of the containers of the carbon tetrachloride purchased or sold.

Persons affected by Price Schedule No. 79 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.605 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 79, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 79, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 79; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 79 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 79.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of carbon tetrachloride, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.606 *Modification of Price Schedule No. 79.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 79 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 79.*

§ 1335.607 *Definitions.* When used in Price Schedule No. 79, the term:

(a) "Person" means an additional partnership, association, corporation, or other business entity;

(b) "Seller's shipping point" means the point of manufacture or other point of distribution maintained by a producer or seller.*

§ 1335.608 *Effective date of Price Schedule No. 79.* This Schedule (§§ 1335.601 to 1335.609, inclusive) shall become effective February 2, 1942.*

§ 1335.609 *Appendix A: Maximum prices.* The following maximum prices are established for carbon tetrachloride.

	Zone 1	Zone 2	Zone 3	Zone 4
Prices per pound, delivered				
(a) Tank cars.....	\$.0525	\$.0575	\$.0675	\$.06
Prices per gallon, delivered				
(b) Carload lots:				
(i) 50-55 gal. drums.....	\$.73	\$.80	\$.94	\$.83
(ii) 5 and 10 gal. cans.....	.97	1.04	1.17	1.07
(c) Less than carload lots:				
(i) 50-55 gal. drums.....	.80	.87	1.00	.90
(ii) 5 and 10 gal. cans.....	1.07	1.14	1.27	1.17

The above maximum prices apply to deliveries in the respective Zones, regardless of the Zone from which shipment is made.

(d) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of carbon tetrachloride to persons in foreign countries and for sales to persons in the territories or possessions of the United States where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Shipments by vessel.* The maximum prices for shipment by vessel are the maximum prices established by paragraphs (b) and (c) above for the Zone in which the port of shipment is located, f. a. s. vessel at the port of shipment, plus 6.5 cents per gallon.

(2) *Overland shipments.* (i) The maximum prices for overland shipments in tank cars, delivered to destination in Canada or Mexico, are the maximum prices established by paragraph (a) above for that Zone from which the shipment crosses the boundary into Canada or Mexico, plus \$.003 per pound, plus transportation charges over a standard route from seller's shipping point to destination, less transportation charges over such route from seller's shipping point to the station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico.

(ii) The maximum prices for overland shipments in carload lots delivered to destination in Canada or Mexico, are the maximum prices established by paragraphs (b) and (c) above for that Zone from which the shipment crosses the boundary into Canada or Mexico plus \$.05 per gallon, plus transportation charges over a standard route from seller's shipping point to destination, less transportation charges over such route from seller's shipping point to the station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico.

(3) *Expenses.* (i) No expenses, commissions, or charges for services may be added to the maximum prices established

by subparagraphs (1) and (2) of this paragraph (d), except (1) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agent's commission unless the foreign agent's commission or any part thereof is received by the exporter directly or indirectly for his own use.

(e) *Zones.* When used in Price Schedule No. 79, the term:

(1) "Zone 1" means the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia and the cities of Omaha, Nebraska and Kansas City, Kansas.

(2) "Zone 2" means the States of Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and South Dakota, excepting the cities of Omaha, Nebraska, and Kansas City, Kansas.

(3) "Zone 3" means the States of Colorado, New Mexico, Texas, Wyoming, and that part of Montana east of but not including the following counties: Toole, Pondera, Teton, Lewis and Clark, Broadwater and Gallatin.

(4) "Zone 4" means the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and that part of Montana west of and including those counties mentioned above.

(f) *Containers.* No charges for containers may be added to the maximum prices established above.

Issued this 28th day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 80—LITHOPONE

A sharp increase in the demand for lithopone has occurred in recent months as a result of the national defense program. Lithopone is an extremely important chemical, essential in the production of a great many products necessary to the armed forces and civilian population.

After investigation and conferences with other government agencies and representatives of the industry, the Office of Price Administration, in December 1941, entered into an agreement with all of the producers of lithopone whereby it was agreed that lithopone would not be sold at prices in excess of \$.0425 per pound for the normal grade delivered in bags in Eastern Territory.

Speculation by others than producers has greatly increased the resale prices of lithopone. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation, not only to prevent inflationary rises in the price of lithopone, but also to eliminate the danger of price rises in other industries that use lithopone.

¹ Issued: 7 F.R. 586. Corrected: 7 F.R. 619.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.651 *Maximum prices for lithopone.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer lithopone, and no person shall buy, offer to buy or accept delivery of lithopone at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.659.*

* §§ 1335.651 to 1335.659, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.652 *Less than maximum prices.* Lower prices than those set forth in § 1335.659, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.653 *Evasion.* The price limitations set forth in Price Schedule No. 80 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of lithopone, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.654 *Records and reports.* Every person making purchases or sales of lithopone after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the lithopone purchased or sold.

Persons affected by Price Schedule No. 80 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.655 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 80, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 80, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 80; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 80 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 80. Persons who

have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of lithopone, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.656 *Modification of Price Schedule No. 80.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 80 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 80.*

§ 1335.657 *Definitions.* When used in Price Schedule No. 80 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Lithopone" means the grades of lithopone listed in § 1335.659, Appendix A, hereof.

§ 1335.658 *Effective date of Price Schedule No. 80.* This Schedule (§§ 1335.651 to 1335.659, inclusive) shall become effective February 2, 1942.

§ 1335.659 *Appendix A: Maximum prices for lithopone.* The following maximum prices are established for lithopone:

(a) *Deliveries in Eastern Territory.¹*

Grade	Per pound delivered in bags	
	Carload lots	Less than carload lots
Normal.....	\$0.0425	\$0.0450
High Strength Barium.....	.0560	.0585
High Strength Calcium.....	.0560	.0585
High Strength Magnesium.....	.0375	.0600
Titanated.....	.0560	.0585
Zinc Sulphide.....	.0825	.0850

(b) *Deliveries in Western Territory.¹*

Grade	Per pound delivered in bags (carload lots)	Per pound f. o. b. warehouse (less than carload lots)
Normal.....	\$0.0450	\$0.0475
High Strength Barium.....	.0585	.0610
High Strength Calcium.....	.0585	.0610
High Strength Magnesium.....	.0600	.0625
Titanated.....	.0585	.0610
Zinc Sulphide.....	.0850	.0875

¹ When used in this Appendix, the term "Eastern Territory" means the States of New Mexico, Colorado, Wyoming, Montana and all States east thereof, and the term "Western Territory" means all other States of the United States.

(c) *Barrels.* The maximum prices for deliveries of lithopone in Eastern or Western Territory in barrels are the maximum prices established above in

paragraphs (a) or (b), whichever the case may be, plus one quarter of a cent per pound.

(d) *Export Sales and Sales to Persons in Territories and Possessions of the United States—(1) Shipments by vessel from Eastern Territory.* The maximum prices for shipment by vessel from Eastern Territory are the maximum prices established above in paragraph (a) f. a. s. vessel at the port of shipment plus \$30 per hundred pounds.

(2) *Shipments by vessel from Western Territory.* The maximum prices for shipment by vessel from Western Territory are the maximum prices established above in paragraph (b) f. a. s. vessel at the port of shipment plus \$30 per hundred pounds.

(3) *Overland shipments.* The maximum prices for overland shipment are the maximum prices established in paragraph (a) or (b) above, whichever the case may be, delivered to that station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico plus \$.20 per hundred pounds except that for less than carload quantities shipped from warehouses in Western Territory the maximum prices are f. o. b. warehouse plus \$.20 per hundred pounds.

(4) *Expenses.* No expenses, commissions, or charges for service may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.*

[§ 1335.659 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 717]

Issued this 28th day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1303—ZINC

REVISED PRICE SCHEDULE NO. 81—PRIMARY SLAB ZINC

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary slab zinc is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

The present supply of zinc does not suffice to meet both military and essential civilian needs. The combination of increased demand and insufficient supply threatens the stability of the price of zinc, any increase in which is reflected in the cost of the war effort and tends to contribute to an inflationary spiral. Primary producers, recognizing the importance of these factors to the national welfare, have cooperated with the Office

of Price Administration in preventing increases in slab zinc prices charged by them. However, because of the stringency of the supply situation, zinc sales have taken place during recent months at prices considerably in excess of those approved by the Office of Price Administration.

After careful investigation and consultation, it has been determined that the maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1303.51 *Maximum prices on sales of primary slab zinc.* On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary slab zinc, and no person shall buy, offer to buy, or accept delivery of primary slab zinc, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.59: *Provided, however*, That sales of primary slab zinc, resulting from production in excess of any quota established by the War Production Board and the Office of Price Administration, made to Metals Reserve Company shall be excepted from the terms of Price Schedule No. 81.*

*§§ 1303.51 to 1303.59, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1303.52. *Less than maximum prices.* Lower prices than those set forth in § 1303.59, Appendix A, may be charged, demanded, paid, or offered.*

§ 1303.53 *Evasion.* (a) The price limitations set forth in Price Schedule No. 81 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary slab zinc, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary slab zinc in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of Price Schedule No. 81: *Provided*, That the buyer is willing to accept delivery of the requested quantity in a single shipment.

(c) (1) Any agreement or transaction entered into after January 29, 1942, in connection with which any ore or other material containing zinc is processed or treated on toll to obtain primary slab zinc therefrom shall be considered to be an evasion of Price Schedule No. 81 unless such agreement or transaction has first been approved in writing by the Office of Price Administration.

(2) Any such agreement entered into on or before January 29, 1942, and not completed on that date, may be completed at contract prices provided that

¹ Issued: 7 F.R. 587. Amended: 7 F.R. 717.

(i) full details of such agreement, and such other pertinent information as may be requested, are reported by each party thereto to the Office of Price Administration on or before February 28, 1942, and (ii) such agreement shall be completed on or before April 1, 1942, or such later date as may be permitted upon application made to the Office of Price Administration.*

§ 1303.54 *Records and reports.* Every person making purchases or sales of primary slab zinc after January 28, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity in pounds or tons of primary slab zinc (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 81 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1303.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 81, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 81, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 81; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 81, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 81. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of primary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1303.56 *Modification of Price Schedule No. 81.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 81 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 81 and all other

Schedules issued by the Office of Price Administration.*

§ 1303.57 *Definitions.* When used in Price Schedule No. 81, the term:

(a) "On toll" means under an arrangement whereby a servicing charge is paid for processing or servicing ore or other material containing zinc;

(b) "Person" means an individual, partnership, association, corporation, or other business entity;

(c) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(d) "Primary slab zinc" means slab zinc made from ores or concentrates, even though other material is mixed therewith, provided such other material accounts for 50% or less of the zinc content thereof, and must be produced by a process of distillation or by electrolysis;

(e) "Producer" means any person who produces slab zinc; and

[Paragraphs (d) and (e) amended February 2, effective February 2, 1942; 7 F.R. 701]

(f) "Carload lot" means the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

[Paragraph (f) added by amendment February 2, effective February 2, 1942; 7 F.R. 701]

§ 1303.58 *Effective date of Price Schedule No. 81.* This Schedule (§§ 1303.51 to 1303.59, inclusive) shall become effective January 29, 1942.*

§ 1303.59 *Appendix A: Maximum prices for primary slab zinc.*

(a) *Base prices.*

Grade	Base price, per pound
Prime Western.....	8.25 cents
Selected.....	8.35 cents
Brass Special.....	8.50 cents
Intermediate.....	8.75 cents
High Grade.....	9.25 cents
Special High Grade.....	9.25 cents

(b) *Sold or shipped, delivered, or carried away in carload lots.* The term "Base Price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

Grade	Maximum price, per pound (delivered, buyer's receiving point)
Prime Western.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Selected.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Brass Special.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Intermediate.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
High Grade.....	Base price.
Special High Grade.....	Base price.

The minimum quantity making up a carload lot for the purposes of Price Schedule No. 81 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination. [Sentence added by amendment, February 2, 1942; effective February 2, 1942, 7 F.R. 701]

(c) *Sold and shipped, delivered or carried away in less than carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

(1) *Sales of primary slab zinc by the producer of the zinc sold.*

[Headnote as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western, selected, brass special, intermediate	High grade, special high grade
20,000 lbs. and less than a carload.....	Base price plus .15¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .15¢.
10,000 lbs. and less than 20,000 lbs.....	Base price plus .25¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .25¢.
2,000 lbs. and less than 10,000 lbs.....	Base price plus .40¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .40¢.
Less than 2,000 lbs.....	Base price plus .60¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .60¢.

(2) *Sales by all persons except producers*

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western, selected, brass special, intermediate	High grade, special high grade
20,000 lbs. and less than a carload.....	Base price plus .55¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .55¢.
10,000 lbs. and less than 20,000 lbs.....	Base price plus .75¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .75¢.
2,000 lbs. and less than 10,000 lbs.....	Base price plus 1.00¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.00¢.
Less than 2,000 lbs.....	Base price plus 1.50¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.50¢.

(d) *Export sales.* Persons desiring to make sales of primary slab zinc for export to foreign countries at prices in excess of the maximum prices established by Price Schedule No. 81 shall file with the Office of Price Administration prior to the execution of such sales complete and accurate records of the name and address of the purchaser, the quantity, in pounds or tons, on order, the grade or grades ordered, the price or prices to be paid, the terms of shipment, the date of shipment, from whom said zinc has been purchased and the price paid therefor, the export commission desired, and all other relevant factors.

(e) *Specifications.* The grades of slab zinc specifically referred to above shall conform to the following chemical requirements:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Aluminum	Total not over
Special High Grade....	0.007	0.005	0.005	None	0.010
High Grade.....	0.07	0.02	0.07	None	0.10
Intermediate.....	0.20	0.03	0.50	None	0.50
Brass Special.....	0.60	0.03	0.50	None	1.00
Electro.....	0.80	0.04	0.75	None	1.25
Prime Western.....	1.60	0.08	---	---	---

Primary slab zinc which fails to meet such standards should be sold at normal differentials below the established maximum prices: *Provided, however,* That if a producer makes primary slab zinc to conform with individual specifications, other than those set forth above, required by an individual customer or customers, in accordance with a contract entered into on or before January 31, 1942, said producer may sell and deliver, and said individual customer or customers may purchase and accept delivery of such primary slab zinc conforming with individual specifications for a period of 60 days from and after February 2, 1942, at a price no higher than that price established by the terms of the said contract. Such producers shall submit to the Office of Price Administration not later than March 1, 1942, complete and accurate records of all such contracts, setting forth the name and address of the buyer, the required specifications, the quantity in pounds or tons required by the contract, the amounts and shipping dates of all deliveries made thereunder, and the price per pound or ton established by said contract.

[Paragraph (e) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(f) *Terms of sale.* The maximum prices set forth in paragraph (c) of this section are f. o. b. point of shipment. Primary slab zinc may, however, be sold, offered for sale, delivered, or transferred in less than carload lots at prices delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Schedule Price No. 81, in all price quotations (1) the

transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 81.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 81 the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

Issued this 28th day of January, 1942.†

LEON HENDERSON,
Administrator.

**PART 1349—ELECTRICAL GENERATION,
TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS**

**REVISED PRICE SCHEDULE NO. 82—WIRE,
CABLE AND CABLE ACCESSORIES**

The production of wire and cable products is essential both to this country's war program and to its civilian economy. Wire, cable and cable accessories are integral parts of every communication and power distribution system, ranging from far-flung utility operations to the more localized requirements of battleships, airplanes and tanks. Since January 1, 1941, prices of many types of wire and cable have been increased between five and twenty-five percent. On October 29, 1941, therefore, manufacturers of these products were requested not to increase prices over the level prevailing on October 15, 1941, pending a further study of the industry.

After numerous conferences with representative members of the industry and a study of costs and other factors relevant to the production and sale of wire and cable products it has been decided that the prices in effect on October 15, 1941, with the modifications contained herein, are fair and equitable and that the informal request should be supplanted by a formal Price Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1349.1 *Maximum prices for wire, cable and cable accessories.* (a) On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in paragraph (c) below, no manufacturer shall sell, offer to sell, deliver or transfer wire, cable or cable accessories and no person shall buy, offer to buy, or accept

delivery of wire, cable or cable accessories at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1349.10 and 1349.11.*

*§§ 1349.1 to 1349.11 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

(b) On and after January 29, 1942, regardless of the terms of any contract or other commitment, except as provided in paragraph (c) below, no person shall make a charge for rolling bars into rods or drawing wire therefrom in excess of the net charge made for similar operations on October 15, 1941, or on the latest date prior thereto on which such operation was performed.

(c) The provisions of this section shall not apply to any contract entered into by a manufacturer prior to November 1, 1941, nor to any contract entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal or the Procurement Division of the Treasury Department or any other agency of the United States prior to the effective date of Price Schedule No. 82.

(d) Nothing in this section shall prevent the inclusion in any contract for the sale of wire, cable or cable accessories of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: *Provided,* That the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or set forth in a manufacturer's price list or discount sheet, purporting to establish automatic or other adjustment of the price of wire, cable or cable accessories, in the event of an increase in any cost or for any other reason shall be deemed a violation of Price Schedule No. 82 and of no effect.*

§ 1349.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 82 may be charged, demanded, paid or offered.*

§ 1349.3 *Evasion.* The price limitations set forth in Price Schedule No. 82 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wire, cable or cable accessories, or the rolling of bars into rods or the drawing of wire therefrom: (a) by way of any commission, service, transportation or other charge; (b) by way of any change in customary terms or conditions of sales or services, discounts, premiums, warranties or other privileges; (c) by tying-agreements or other trade understanding; or (d) by any other means, as a result of which the net price received by the manufacturer of such wire, cable or cable accessories will exceed the net price which would have been received by the manufacturer if such wire, cable or cable accessories had been sold or such operations had been performed on October 15, 1941.*

* Issued: 7 F.R. 601. Amended: 7 F.R. 701.

§ 1349.4 Records and reports.

(a) Every manufacturer of wire, cable, or cable accessories making any sale after January 29, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer, (3) the price on the date of sale, (4) the net price received, and (5) the quantity and description of the wire, cable or cable accessories sold.

(b) Every person rolling bars into rods or drawing wire therefrom, after January 29, 1942, for a manufacturer of wire, cable or cable accessories, where bars or rods are furnished by such manufacturer, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, showing (1) the date thereof, (2) the name and address of the manufacturer for whom the operation was performed, (3) the net charge, and (4) description of the size, quality and quantity of wire drawn or bars rolled.

(c) On or before February 20, 1942, every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., if it has not already done so, price lists and discount sheets setting forth prices and all extra charges, discounts and allowances applicable on October 15, 1941 to wire, cable and cable accessories offered for sale by such manufacturer.*

(d) If the maximum prices of wire, cable or cable accessories are to be determined in accordance with the provisions of Appendix B hereof, incorporated herein as § 1349.11, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the specifications of such wire, cable or cable accessories, the proposed price, price or cost estimate sheets employing costs existing on October 15, 1941, the proposed billing date, a statement that the procedures and standards employed in estimating costs and determining prices are the same as those employed on October 15, 1941, and the increase, if any, based on lead content, all certified by an authorized agent of the manufacturer having knowledge of the facts. Such information shall be submitted by mail postmarked not less than twenty days before the proposed date of billing of such wire, cable or cable accessories, and such price shall be the maximum price unless an objection is made by the Office of Price Administration by mail postmarked not less than five days before such proposed billing date.

(e) Every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., any price lists or discount sheets issued subsequent to October 15, 1941, immediately after issuance and shall submit such information in the form of price data, cost data, profit and loss statements and balance sheets in such form and at such times as may be required by the Office of Price Administration.*

§ 1349.5 Enforcement. In the event of refusal or failure to abide by the price

limitations, record and report requirements, or other provisions of Price Schedule No. 82, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 82, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see: (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 82, (c) that full advantage will be taken of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 82, (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 82, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 82.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of prices of wire, cable or cable accessories are urged to communicate with the Office of Price Administration.*

§ 1349.6 Modification of Price Schedule No. 82. Persons claiming hardship or inequity in the operation of Price Schedule No. 82 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 82.*

§ 1349.7 Products subject to Price Schedule No. 82. The term: (a) "wire, cable and cable accessories" means:

(1) *Rods* which shall include hot rolled black or cleaned rods for electrical uses.

Any copper, copperclad or copper alloy wire or assembly of wires used for conducting electricity, including the following types:

(2) *Bare wire* which shall include all sizes and shapes of bare and metallic coated wire in solid or stranded form.

(3) *Weatherproof wire* which shall include bare wire over which either two or three cotton braids or the equivalent have been applied in any form and saturated with a weather resistant or heat resistant compound.

(4) *Magnet wire* which shall include all sizes and shapes, whether round, flats or squares, of bare copper wire insulated with enamel, paper, silk and silk substitutes, cotton, asbestos, glass, Formex and combinations of these and similar materials, including high frequency or "Litz" wires, as commonly used in the winding of coils employed for electrical purposes.

(5) *Non-metallic sheathed cable* which shall include an assembly of one or more

rubber insulated conductors, each of which may be fibrous covered or protected by a non-metallic armor, with or without an uninsulated ground wire, the entire assembly enclosed in a fibrous sheath, treated with moisture-resistant and flame-resistant finishes, such as Romex or Durax.

(6) *Paper power cable* which shall include solid or fluid types of cable, exclusive of communication cable, in which the conductor is insulated with paper and enclosed in a metallic sheath with or without fibrous or metallic armor coverings to be used for the transmission and distribution of electrical energy.

(7) *Rubber sheathed cord and cable* which shall include a stranded insulated conductor or conductors encased in a rubber or synthetic jacket applied or cured under pressure.

(8) *Rubber power cable* which shall include all types of rubber or synthetic insulated or jacketed, single or multiple conductor cables, exclusive of building wire, finished with a rubber or synthetic jacket, fibrous coverings or metallic sheath, with or without metallic armor including all types of Parkway and Service Entrance Cable but excluding building wire.

(9) *Building wire* which shall include single or multiple conductor rubber or synthetic insulated wires and cables, protected with metallic or non-metallic coverings as used for interior electrical wiring, including wire for use in armored cable.

(10) *Asbestos insulated power cable* which shall include wires and cables insulated with either impregnated asbestos or combinations of impregnated asbestos and other insulating materials, such as varnished cambric, rubber, and synthetics, with all types and kinds of finishes and outer coverings.

(11) *Varnished cambric insulated power cable* which shall include single and multiple conductors, insulated with all types of varnished cambric or combination rubber and varnished cambric, paper and varnished cambric and paper, rubber and varnished cambric, protected with metallic and non-metallic coverings.

(12) *Telephone and telegraph wire* which shall include single or multiple conductor rubber or synthetic insulated assemblies with or without a fibrous or metallic protective covering suitable for service conditions encountered in inside and outside communication circuits.

(13) *Telephone, telegraph or signal cable* which shall include paper or other fibrous insulated conductors in lead or lead-alloy sheath with or without non-metallic or metallic armor.

(14) *Special purpose communication or signal wire and cable* which shall include single or multiple conductors, rubber or synthetic insulated, with or without a fibrous or metallic protective covering.

(15) *Armored conductors* which shall include assemblies of one or more conductors, each insulated with a rubber or synthetic compound and covered with fibrous covering, the single or multiple conductor assemblies having an overall fibrous or lead covering enclosed in a

metal armor of galvanized steel or other corrosion resistant metal strip of semi-interlocking construction, such as BX cable.

(16) *Shipboard cable* which shall include copper conductors insulated with rubber, asbestos, varnished cambric, synthetic material or other fibrous covering or any combination of such coverings and with or without a wire braid armor.

(17) *Flexible cord and cord sets*—*Flexible cords* which shall include single and multiple conductor wires consisting of flexible stranded bare wire, insulated with impregnated cotton, impregnated asbestos, rubber compounds or synthetics and finished with fibrous coverings, rubber or synthetic jackets suitable for use in the wiring of electric fixtures and as power supply for portable electrical appliances.

Cord sets which shall include any item or assembly of items of flexible cords cut to specified length or cut and equipped with soldered ends, eyelets, plugs, switches, or other similar appurtenances for use with electrical appliances or other electrical apparatus.

(18) *Cable accessories* which shall include (1) cable end sealing devices or parts thereof, including devices commonly known as potheads, cable terminals, cable terminators, and bells and junction boxes; (2) unit packages for splicing cable of one or more conductors and (3) miscellaneous materials used with joints for splicing cables of one or more conductors applicable to all cables of the solid insulated type for underground, aerial or submarine use.*

§ 1349.8 *Definitions.* When used in Price Schedule No. 82 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture or fabrications of wire, cable or cable accessories resulting in the production of a finished form of wire, cable or cable accessory.

(c) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, or other allowances;

(d) "Extra charges" mean any additions to the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes cutting charges, freight charges or differentials, winding charges, charges for limited quantity, charges for reels, and charges for special specifications.

(e) "Discounts or other allowances" mean any deductions from the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes discounts based upon whether the purchaser is a wholesaler, jobber, dealer or contractor, the quantity and reel allowances.

(f) "Rolling bars into rods or drawing wire therefrom" includes any operation in the manufacture of rods from bars or of bare wire from bars or rods.

(g) "Net charge" means the toll charge made for rolling bars into rods or drawing wire therefrom, after adjustment for all applicable extra charges, discounts or other allowances.*

§ 1349.9 *Effective date of Price Schedule No. 82.* This Schedule (§§ 1359.1 to 1349.11, inclusive) shall become effective on January 29, 1942.*

§ 1349.10 *Appendix A: Maximum prices for wire, cable and cable accessories listed in price sheets.* (a) For all types of wire, cable and cable accessories listed in § 1349.7 hereof, except Weatherproof Wire, the prices of which can be determined from prices listed or methods of computation provided in price sheets in effect on October 15, 1941, maximum prices shall be the net prices of the manufacturer thereof on October 15, 1941. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by \$0.00325.

(b) Maximum prices for Weatherproof Wire shall be computed by applying the terms and conditions contained in each manufacturer's price list in effect on October 15, 1941, to a base price of 17.5 cents per pound for solid, soft drawn, weatherproof copper wire and cable, shipped in less than carload lots.*

§ 1349.11 *Appendix B: Maximum prices for wire, cable and cable accessories not covered by § 1349.10, Appendix A.* Maximum prices for wire, cable and cable accessories not covered by Appendix A hereof, incorporated herein as § 1349.10, including new products, shall be the net prices the manufacturer thereof would have charged on October 15, 1941, if such prices had been calculated upon costs existing on such date and by the use of procedures and standards employed in estimating costs and determining prices on such date. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by \$0.00325.*

Issued this 29th day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

REVISED PRICE SCHEDULE NO. 83—RADIO RECEIVERS AND PHONOGRAPHS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, wholesale and retail prices of radio equipment for domestic use have

increased substantially. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply is seriously threatened by shortages of critical materials needed for the production of armaments, and by the prospect that much of the industry's capacity will be diverted to the manufacture of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of effective controls.

In order to prevent nullification of the Schedule, limited restrictions are imposed upon model changes, as a temporary measure. These restrictions, in their present form, expire on December 31, 1942.

Electrical phonographs employ many of the same components as radios and are frequently combined with radios in a combination unit. They are subject to similar price influences and are, therefore, included in Price Schedule No. 83.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1336.51. *Maximum prices for radio receiving sets and phonographs.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any radio receiving set or phonograph at a price higher than the maximum price.

(a) *Current models offered for sale on or before October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph offered during the period July 15, 1941, to October 15, 1941, inclusive for sale during such period shall be the highest net price, f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made during such period or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *Current models first offered for sale after October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph first offered after October 15, 1941 for sale after such date shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.54 (a) the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made before February 9, 1942 (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery prior to February 9, 1942), to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(c) *Cost-plus contracts*—(1) *Completion of outstanding cost-plus contracts.*

¹ Issued: 7 F.R. 622.

The maximum price for any radio receiving set or phonograph delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no radio receiving set or phonograph shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted a copy of such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such cost-plus contract will be approved unless (i) it is in writing and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.

(d) *Discontinued models.* A manufacturer who has at any time discontinued sale of any model may thereafter restore such model to his line and sell, offer for sale, transfer or deliver it at a maximum price no higher than the price in effect at the date of discontinuance, provided such price was not in violation of Price Schedule No. 83.

(e) *Other models.* The maximum price for any model other than a model referred to in paragraphs (a), (b), (c) and (d) of this section shall be the price provided for such model in § 1336.53 hereof.*

*§§ 1336.51 to 1336.62, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1336.52 *Less than maximum prices.* Lower prices than those set forth in Price Schedule No. 83 may be charged, demanded, paid or offered.

§ 1336.53 *Limitation of model changes and maximum prices for new models.* Between February 9, 1942, and December 31, 1942, inclusive, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any model of radio receiving set or phonograph other than a model referred to in paragraphs (a), (b), (c) and (d) of § 1336.51 except as provided in paragraphs (a), (b), (c) and (d) of this section.

(a) *Replacement type models.* Ten days before first offering it for sale, a manufacturer wishing to offer for sale a model replacing or similar to any other model in his line at that time, shall submit to the Office of Price Administration an application on Form 183:1 for permission to take such action, containing (1) the specifications and description (including catalog, if any) of such model and (2) satisfactory evidence that the specifications of such model do not differ from those of such other model in a manner tending to degrade quality. Ten days after the mailing of such application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price for such other model.

(b) *Models in process.* A manufacturer wishing to offer for sale a model in

process on the effective date of Price Schedule No. 83, which because of design and specifications cannot qualify under paragraph (a) hereof, shall submit to the Office of Price Administration an application on Form 183:2 for permission to take such action, containing (1) satisfactory evidence (i) that the model cannot qualify under paragraph (a) hereof, (ii) that the design and specifications of the model were completed before the effective date of Price Schedule No. 83, (iii) that firm commitments for parts or cabinet of such model were made by the manufacturer prior to the effective date of Price Schedule No. 83, and (iv) that any of such parts or cabinet are usable by such manufacturer only in such model, and (2) the specifications and description (including catalog, if any) and the proposed maximum price for such model. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(c) *Models using new developments.* A manufacturer wishing to offer for sale a model embodying a new technical development shall submit to the Office of Price Administration an application on Form 183:3 for permission to take such action, containing (1) the specifications and description (including catalog, if any) and proposed maximum price for such model, and (2) satisfactory evidence that such model embodies a new technical development. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(d) *Necessary substitutions.* Manufacturers may change the specifications of any model, provided such change does not increase the price thereof, if (1) the material previously used is (i) unavailable or prohibitive in cost or (ii) its use in radio receiving sets or phonographs is so restricted by a priority or allocation order or other regulation of a federal agency as to require the proposed change, or (iii) the proposed change will result in substantial conservation of strategic materials, and (2) the change is calculated to preserve quality.

(e) A manufacturer may at any time change the cabinet finish of any model or may add to his line at any time a model differing from an existing model only in respect of cabinet finish, provided the price is not thereby increased over the price of the existing model.*

§ 1336.54 *Reports.*—(a) *Current models.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration on Form 183:4 (1) the maximum prices, as determined by paragraph (a) of § 1336.51 hereof, the general specifications and description in effect on October 15, 1941, for each current model offered for sale during the period from July 15, 1941, to October 15, 1941, inclusive, and (2) the maximum prices, as determined by paragraph (b) of § 1336.51 hereof, and the general specifications and description in effect on the

effective date of Price Schedule No. 83 for each current model first offered for sale after October 15, 1941. If the general specifications and description of any model are set forth in a catalog, a manufacturer may submit such catalog to the Office of Price Administration in lieu of any other specifications and description of such model.

(b) *Substitutions of component parts.* Not later than March 15, 1942, every manufacturer shall submit a report to the Office of Price Administration on Form 183:5 describing all substitutions of component parts made in any model between February 9, 1942, and February 28, 1942, inclusive, pursuant to § 1336.53 (d); and not later than the 10th day of May, July, September and November, 1942, and January 1943, shall submit a similar report covering two months immediately preceding the month in which each such report is made.

(c) *Changes of cabinet finish.* Within 10 days after taking any action authorized by § 1336.53 (e), every manufacturer shall submit to the Office of Price Administration on Form 183:6 a report describing the action taken.

(d) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of radio receiving sets and phonographs, outstanding on February 8, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(e) *Discontinued models.* (1) On or before March 15, 1942, every manufacturer who has discontinued sale of any model of radio receiving set or phonograph offered for sale during the period from July 15, 1941, to January 31, 1942, inclusive, shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date of and reason for discontinuing production thereof, and the total number of completed units thereof produced during such period. A model shall be deemed discontinued when notice of discontinuance is given by the manufacturer to his customers.

(2) Within 30 days after any manufacturer discontinues sale of any model of radio receiving set or phonograph after January 31, 1942, he shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date and reason for discontinuing production thereof, and the total number of completed units produced from July 15, 1941, to the date of discontinuance.

(f) *Monthly output of radio receiving sets and phonographs.* On or before March 15, 1942, and on or before the 10th day of each month thereafter every manufacturer shall submit to the Office of Price Administration on Form 183:8 a report setting forth the total number of completed units of each model of radio receiving set and phonograph produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such model. If a report containing such information is required to be submitted

to any other federal agency, a copy thereof may be filed with the Office of Price Administration at the time it is filed with such other agency instead of a separate report on Form 183:8.

(g) *Other reports.* Persons affected by Price Schedule No. 83 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.55 *Evasion.* The limitations set forth in Price Schedule No. 83 shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio receiving sets or phonographs by deterioration of quality, or in connection with a purchase, sale, delivery or transfer of any radio receiving set or phonograph alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.56 *Records.* Every manufacturer making sales of radio receiving sets or phonographs on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the name and number or other designation of each unit, the price received therefor and the quantity of each unit sold.*

§ 1336.57 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1336.56 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 183:9, containing a sworn statement that during such period all such sales were made at prices in compliance with Price Schedule No. 83 or with any exception therefrom or modification thereof. Copies of Form 183:9 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.58 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 83, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 83, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 83; and (c) that the procurement services of the

Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 83. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio receiving sets or phonographs or of the hoarding or accumulation or unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.59 *Modification of Price Schedule No. 83.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 83 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this Section will be considered unless filed by persons complying with Price Schedule No. 83.

§ 1336.60 *Definitions.* (a) When used in Price Schedule No. 83, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity.

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly of radio receiving sets or phonographs.

(3) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets.

(4) "Phonograph" means any device for the playing of records by the use of electrical amplification.

(5) "Model" means any radio receiving set or phonograph sold as a distinct item.

(6) "Current model" means any model offered for sale by the manufacturer during the period July 15, 1941, to February 9, 1942, inclusive.

(7) "Net price" means the amount billed or quoted for a sale, after deducting all discounts and allowances.

(8) "Net price exclusive of federal excise tax" means (i) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (ii) if such price as billed or quoted includes the tax, such price less the amount of the tax.

(9) "Cost-plus contract" means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.

(b) The definitions set forth in subparagraphs (3) and (4) of this § 1336.60 shall not include any equipment primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.61 Price Schedule No. 83 shall not be deemed to authorize the taking of any action prohibited by order of any other federal agency.*

§ 1336.62 *Effective date of Price Schedule No. 83.* This Schedule (§§ 1336.51 to

1336.62, inclusive) shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.¹

LEON HENDERSON,
Administrator.

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

REVISED PRICE SCHEDULE NO. 84—RADIO RECEIVER AND PHONOGRAPH PARTS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, prices of parts for radios for domestic use have increased substantially and such increases have in many instances caused advances in prices of radio receiving sets. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply of radio parts is seriously threatened by shortages of critical materials needed for the production of armaments and by the prospect that much of the industry's capacity will be diverted to the production of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of suitable controls.

The various branches of the industry may be found to require separate treatment after full economic data is at hand. Pending completion of a comprehensive study, it is essential to stabilize the price structure on a temporary basis.

Electrical phonographs employ many of the same parts as radios, and are frequently combined with radios in a combination unit. Phonograph parts are thus subject to price influences similar to those which affect radio parts, and are, therefore, included in Price Schedule No. 84.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1336.101 *Maximum prices for radio receiving set and phonograph parts.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any radio or phonograph part at a price higher than the maximum price.

(a) *Parts sold and offered for sale between July 15, 1941, and October 15, 1941.* The maximum price, exclusive of federal excise tax, for any part offered during the period between July 15, 1941, and October 15, 1941, inclusive, for sale during such period, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such part was billed by the manu-

¹ Issued: 7 F.R. 619. Corrected: 7 F.R. 760.

facturer for delivery during such period, or if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *New parts offered before October 15, 1941, for sale thereafter.* The maximum price, exclusive of federal excise tax, for a part offered before October 15, 1941, to be delivered for the first time after such date, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, quoted in writing by the manufacturer for such part before October 15, 1941.

(c) *Parts first offered for sale between October 16, 1941, and February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time during the period between October 16, 1941, and February 9, 1942, inclusive, for sale during or after such period, shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.103 (a), the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such part was billed by the manufacturer for a delivery made on or before February 9, 1942, (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery of such part to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(d) *Parts first offered for sale after February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time after February 9, 1942, for sale after such date shall be the price approved by the Office of Price Administration on the basis of a report to it in accordance with § 1336.103 (b).

(e) *Parts sold pursuant to cost-plus contracts—(1) Completion of outstanding cost-plus contracts.* The maximum price for any part delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* After February 9, 1942, no part shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such contract will be approved unless it (i) is in writing, and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.*

*§§ 1336.101 to 1336.110, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R., 1917, 4483.

§ 1336.102 *Less than maximum prices.* Lower prices than those set forth in Price Schedule No. 84 may be charged, demanded, paid or offered.*

§ 1336.103 *Reports—(a) Parts offered for sale before February 9, 1942.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration (1) his maximum prices, as determined by paragraphs (a) and (b) and subparagraph (c) (1) of § 1336.101, for all parts referred to in such paragraphs; and (2) all lists, catalogues or other materials describing or identifying such parts.

(b) *Parts first offered for sale after February 9, 1942.* A manufacturer wishing to obtain approval of the maximum price for a part referred to in § 1336.101 (d) shall submit to the Office of Price Administration an application for such approval containing a description of such part and stating the proposed price therefor. If within ten days after the mailing of such application, it has not been disapproved by the Office of Price Administration, the manufacturer may sell, offer for sale, deliver or transfer such part at the proposed price.

(c) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of parts, outstanding on February 9, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(d) *Other reports.* Persons affected by Price Schedule No. 84 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.104 *Evasion.* The price limitations set forth in Price Schedule No. 84 shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio or phonograph parts by deterioration of quality or in connection with a purchase, sale, delivery or transfer of any radio or phonograph part alone or in conjunction with any other article or by subdividing and selling separately the components of an assembled unit, or by way of any service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.105 *Records.* Every manufacturer making sales of radio or phonograph parts on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each sale showing the date thereof, the name and address of the buyer, the name, the number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1336.106 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1336.105 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 184:1, containing a sworn statement that during such period all such sales were made

at prices in compliance with Price Schedule No. 84 or with any exception therefrom or modification thereof. Copies of Form 184:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 84, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 84, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 84; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 84. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio or phonograph parts, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.108 *Modification of Price Schedule No. 84.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 84 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this Section will be considered unless filed by persons complying with Price Schedule No. 84.*

§ 1336.109 *Definitions.* (a) When used in Price Schedule No. 84, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity;

(2) "Manufacturer" means any person regularly engaged in the manufacture and sale of radio or phonograph parts;

(3) "Part" means any component, except a cabinet, of a radio receiving set or phonograph, whether such component is a separate unit or an assembly or combination of two or more units; including (particularly but not exclusively) parts built to the specifications of an individual purchaser.

(4) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets;

(5) "Phonograph" means any device for the playing of records by the use of electrical amplification;

(6) "Net price" means the amount billed or quoted for a sale, after deducting all discounts;

(7) "Net price exclusive of federal excise tax" means (1) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (2) if such price as billed or quoted includes the tax, such price less the amount of the tax;

(8) "Cost-plus contract" means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.

(b) The definitions set forth in subparagraphs (3), (4), and (5) of this section shall not include any equipment, primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.110 *Effective date of Price Schedule No. 84.* This schedule (§§ 1336.101 to 1336.110, inclusive) shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.*

LEON HENDERSON,
Administrator.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

REVISED PRICE SCHEDULE NO. 85—NEW PASSENGER AUTOMOBILES

The complete diversion of automobile manufacturing facilities to war work has brought the production of passenger automobiles to an end. Rationing Order No. 2 of the Office of Price Administration restricts the sale of new automobiles to those persons who can show a need related to the public interest. Price Schedule No. 85 establishes maximum wholesale and retail prices for new passenger automobiles as a measure of coordination with the rationing program.

Prices announced by automobile manufacturers at the beginning of the 1942 model year represented an average advance of 14% over 1941 prices. At the request of the Office of Price Administration, each manufacturer agreed not to change the announced prices without prior consultation with the Office. Price Schedule No. 85 serves to formalize that agreement.

An investigation undertaken by the Office of Price Administration with respect to retail prices showed a general upward trend although there was a wide variation in prices among dealers. The rise in price had been effected not by an increase in the list price but by means of an advance in charges for handling and delivery, for services to be rendered after delivery, and for transportation. Price Schedule No. 85 fixes the maximum amount which may be charged at retail, based on the list price established by the manufacturer, and the maximum charges which may be added for transportation and handling and delivery.

Because dealers and manufacturers may be obliged to carry their inventories over an abnormally long period due to the rationing program, the prices established are subject to monthly adjustment upward to compensate for the added burden.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1360.51 *Maximum wholesale prices for new passenger automobiles.* (a) On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer, distributor, or exporter of new passenger automobiles shall sell, offer to sell, deliver or transfer a new passenger automobile to any person at a price higher than the maximum price. The maximum price shall be the highest price prevailing for the same make and model between October 1, 1941, and October 15, 1941, for the same class of purchaser, except that, in the case of the Packard Motor Car Company and the Crosley Corporation the maximum price shall be the highest price prevailing on the effective date of Price Schedule No. 85.

(b) In the event that the automobile is without equipment which was standard on October 15, 1941, the maximum price shall be reduced by the wholesale value of the equipment removed.

(c) To the maximum price may be added an amount equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile by the manufacturer, distributor or exporter.*

*§§ 1360.51 to 1360.61, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1360.52 *Maximum retail price for new passenger automobiles.* On and after February 2, 1942, regardless of the terms of any contract of sale, or other commitment, no person shall sell, offer to sell, deliver or transfer a new passenger automobile with standard equipment as of October 15, 1941, at retail, at a price higher than the maximum retail price for the automobile, which shall be the sum of the following items:

(a) The manufacturer's list price at the factory for the automobile with standard equipment as of October 15, 1941, as shown for each make and model of automobile in Appendix A hereof, incorporated herein as § 1360.61.

(1) If the automobile is without equipment which was standard on October 15, 1941, the list price shall be reduced by the retail value of the equipment removed.

(b) The Federal Excise Tax.

(c) An allowance for transportation which shall not exceed the actual rail freight charge for the transportation of the automobile from the factory to dealer at carload rate.

(d) An allowance of 5% of (a) and (c) above, or \$75.00, whichever is lower, which includes the charge for handling and delivery, for which the dealer shall render all of the services customarily performed in order to prepare the automobile for

delivery to the purchaser and all of the factory recommended get-ready and delivery operations.

(e) An amount equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile to the purchaser.*

§ 1360.53 *Less than maximum prices.* Lower prices than those set forth above may be charged, demanded, paid or offered.*

§ 1360.54 *Evasion.* (a) The price limitations set forth in Price Schedule No. 85 shall not be evaded either by direct or indirect methods in connection with the sale, delivery or transfer of a new passenger automobile, alone or in conjunction with any other consideration or by way of any commission, charge for transportation, for equipment, for handling or delivery services, or by the removal of parts or equipment from an automobile.

(b) No buyer of a new passenger automobile shall be required, as a condition of the sale, to agree to purchase any equipment other than standard equipment as defined by the manufacturer, or any after-delivery services. The price demanded for any such equipment or services shall be separately listed on the invoice or bill of sale given to the buyer, and on any price tag, display sign, or other advertising used by the dealer in connection with the sale or display of a new passenger automobile.

The State and local taxes imposed on the transaction and payable by the buyer, and the charge imposed under § 1360.52 (e) hereof, shall also be separately listed on the invoice or bill of sale.

Nor shall any buyer of a new passenger automobile be required, as a condition of the sale of a new passenger automobile, to agree to make payment over a period of time, nor to finance the purchase of the automobile through any lending agency, nor to agree to a transfer to the seller of a used car, in part payment of the purchase price.*

§ 1360.55 *Records and reports.* (a) Within twenty days of the effective date of Price Schedule No. 85, each manufacturer shall file with the Office of Price Administration a list of standard equipment as of October 15, 1941, for each make and model of passenger automobile manufactured by him.

(b) Every manufacturer, distributor, or exporter of, or retail dealer in, new passenger automobiles after the effective date of Price Schedule No. 85 shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each sale of a new passenger automobile, showing the date thereof, the make and model, the name and address of the buyer, the price paid, and the make, model, model year, and valuation of any automobile which may be accepted in part payment of the purchase price, and any other consideration which may be accepted in payment of the price of the new passenger automobile.

(c) Persons affected by Price Schedule No. 85 shall submit such reports to the

* Issued: 7 F.R. 621. Corrected: 7 F.R. 756.

Office of Price Administration as it may, from time to time, require.*

§ 1360.56. *Notices to be posted.* Every retail dealer in new passenger automobiles shall post in a conspicuous place on his premises where new passenger automobiles are offered for sale, a notice not less than 18 inches by 24 inches in size which shall set forth in legible fashion the following:

(a) Section 1360.52 in its entirety;

(b) The make and model of each new passenger automobile offered for sale, accompanied by a break-down of the maximum retail price for the automobile, as specified in paragraphs (a) through (e) inclusive of § 1360.52 and the actual price charged for the automobile;

(c) A statement that lower prices may legally be charged or demanded;

(d) A statement that no buyer is required, as a condition of sale of a new passenger automobile, to agree to buy any equipment other than standard equipment as defined by the manufacturer, or any after-delivery services, or to agree to make payment over a period of time or to finance the purchase of the automobile through any lending agency or to agree to the sale of a used car in payment of the purchase price.*

§ 1360.57. *Enforcement.* In the event of refusal or failure to abide by the provisions of Price Schedule No. 85, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 85, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 85; and (c) that the procurement services of the Government are requested to refrain from purchasing from those persons who fail to comply with Price Schedule No. 85. Persons who have evidence of the offer, receipt, or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, are urged to communicate with the Office of Price Administration.*

§ 1360.58. *Modification of Price Schedule No. 85.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 85 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 85.*

§ 1360.59. *Definitions.* When used in Price Schedule No. 85, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Retail dealer" means any person engaged in the business of offering automobiles for sale to the public;

(c) "Manufacturer" means any person who manufactures passenger automobiles for sale to distributors or retail dealers.

(d) "Distributor" means any person, other than a manufacturer, who sells new passenger automobiles to retail dealers.

(e) "Exporter" means any person who is directly or indirectly engaged in the business of dealing in automobiles which are ultimately sold to a person in a foreign country.

(f) "List price" means the suggested retail price established by each manufacturer without any charge added thereto on account of transportation, the Federal Excise tax, or handling and delivery. These prices appear in Appendix A hereof and are incorporated herein as § 1360.62.

(g) "New passenger automobile" means a 1942 model automobile.

(h) "Standard equipment" means equipment stated to be standard equipment by the manufacturer as of October 15, 1941.*

§ 1360.60. *Effective date of Price Schedule No. 85.* This Schedule (§§ 1360.51 to 1360.61, inclusive) shall become effective February 2, 1942.*

§ 1360.61. *Appendix A: List prices of new passenger automobiles.*

Make and model	List price 1942 models
BUICK	
40 Special—118:	
Utility Coupe.....	\$590.00
2-Door Business Sedan.....	1,010.00
2-Door Family Sedan.....	1,045.00
Convertible Coupe.....	1,260.00
4-Door Touring Sedan.....	1,030.00
40 Special—121:	
2-Door Business Sedan.....	1,020.00
2-Door Family Sedan.....	1,075.00
4-Door Touring Sedan.....	1,120.00
Estate Wagon.....	1,450.00
40 Special SE:	
2-Door Family Sedan.....	1,130.00
4-Door Touring Sedan.....	1,200.00
50 Super:	
2-Door Sedan.....	1,230.00
Convertible Coupe.....	1,450.00
4-Door Touring Sedan.....	1,280.00
60 Century:	
2-Door Sedan.....	1,300.00
4-Door Touring Sedan.....	1,350.00
70 Roadmaster:	
2-Door Sedan.....	1,395.00
Convertible Coupe.....	1,675.00
4-Door Touring Sedan.....	1,465.00
90 Limited:	
4-Door 6 P Touring Sedan.....	2,245.00
4-Door 8 P Touring Sedan.....	2,445.00
4-Door Formal Sedan.....	2,395.00
4-Door Limousine.....	2,645.00
CADILLAC	
Series—61:	
Sport Coupe.....	1,450.00
4-Door Sedan.....	1,530.00
Series—62:	
Sport Coupe.....	1,545.00
4-Door Sedan (4 Window).....	1,630.00
Series—62 Deluxe:	
Sport Coupe.....	1,630.00
Convertible Coupe.....	1,680.00
4-Door Sedan (4 Window).....	1,705.00
Series—63:	
4-Door Sedan.....	1,745.00
Series—60 Special:	
4-Door Sedan (4 Window).....	2,265.00
Sedan with Division.....	2,415.00
Series—67:	
4-Door Sedan.....	2,760.00
8-Pass. Sedan.....	2,845.00
Sedan with Division.....	2,845.00
Imperial Sedan.....	2,995.00

Make and model	List price 1942 models
CADILLAC—continued	
Series—75:	
4-Door Sedan.....	\$3,030.00
8-Pass. Sedan.....	3,230.00
6-Pass. Formal Sedan.....	4,060.00
7-Pass. Formal Sedan.....	4,205.00
Sedan with Division.....	3,230.00
Imperial Sedan.....	3,375.00
8-Pass. Bus. Sedan.....	2,935.00
9-Pass. Bus. Imperial Sedan.....	3,030.00

CHEVROLET	
Stylmaster:	
Business Coupe.....	760.00
5 Passenger Coupe.....	790.00
Town Sedan.....	800.00
Sport Sedan.....	840.00
Coupe Pickup.....	800.00
Fleetmaster:	
Business Coupe.....	815.00
5 Passenger Coupe.....	845.00
Cabriolet.....	1,080.00
Town Sedan.....	855.00
Fleetline Aero Sedan (New).....	880.00
Sport Sedan.....	835.00
Fleetline Sportmaster Sedan.....	920.00
Station Wagon.....	1,095.00

CHRYSLER	
Model No. C-34 S:	
4-Door Sedan.....	1,177.00
2-Door Sedan.....	1,154.00
Town Sedan.....	1,222.00
Sedan 7-Passenger.....	1,535.00
Limousine.....	1,605.00
Club Coupe.....	1,168.00
Coupe 3-Passenger.....	1,075.00
Model No. C-34 C:	
4-Door Sedan.....	1,255.00
2-Door Sedan.....	1,220.00
Town Sedan.....	1,295.00
Sedan 7-Passenger.....	1,605.00
Limousine.....	1,685.00
Club Coupe.....	1,228.00
Convertible Coupe.....	1,420.00
Coupe 3-Passenger.....	1,140.00
Station Wagon 6-Passenger.....	1,595.00
Station Wagon 9-Passenger.....	1,685.00
Model No. C-36 K:	
4-Door Sedan.....	1,405.00
2-Door Sedan.....	1,365.00
Town Sedan.....	1,450.00
Club Coupe.....	1,380.00
Coupe 3-Passenger.....	1,325.00
Model No. C-36 N:	
4-Door Sedan.....	1,475.00
2-Door Sedan.....	1,440.00
Town Sedan.....	1,520.00
Club Coupe.....	1,450.00
Convertible Coupe.....	1,640.00
Coupe 3-Passenger.....	1,385.00

CROSLEY	
Convertible Coupe.....	412.50
Convertible Sedan.....	467.50
Deluxe Sedan.....	515.90
Station Wagon.....	531.90

DE SOTO	
Model No. S-10 S:	
4-Door Sedan.....	1,103.00
2-Door Sedan.....	1,075.00
Town Sedan.....	1,147.00
Sedan 7-Passenger.....	1,455.00
Club Coupe.....	1,092.00
Coupe 3-Passenger.....	1,010.00
Model No. S-10 C:	
4-Door Sedan.....	1,152.00
2-Door Sedan.....	1,142.00
Town Sedan.....	1,196.00
Sedan 7-Passenger.....	1,504.00
Limousine.....	1,580.00
Club Coupe.....	1,142.00
Convertible Coupe.....	1,317.00
Coupe 3-Passenger.....	1,046.00

Make and model	List price
DODGE	1942 models
Model No. D-22 S:	
4-Door Sedan.....	\$998.00
2-Door Sedan.....	958.00
Club Coupe.....	995.00
Coupe 3-Passenger.....	895.00
Model No. D-22 C:	
4-Door Sedan.....	1,048.00
2-Door Sedan.....	1,008.00
Town Sedan.....	1,105.00
Sedan 7-Passenger.....	1,395.00
Limousine.....	1,475.00
Club Coupe.....	1,045.00
Convertible Coupe.....	1,245.00

Make and model	List price
FORD	1942 models
Special Six:	
Coupe.....	780.00
Tudor Sedan.....	815.00
Fordor Sedan.....	850.00
Deluxe Six:	
2-Passenger Coupe.....	805.00
Tudor Sedan.....	840.00
Fordor Sedan.....	875.00
Sedan Coupe.....	865.00
Station Wagon.....	1,035.00
Super Deluxe Six:	
Coupe.....	850.00
Tudor Sedan.....	885.00
Fordor Sedan.....	920.00
Sedan Coupe.....	910.00
Convertible Coupe.....	1,070.00
Station Wagon.....	1,115.00
Deluxe Eight:	
2-Passenger Coupe.....	815.00
Tudor Sedan.....	850.00
Fordor Sedan.....	885.00
Station Wagon.....	1,090.00
Sedan Coupe.....	875.00
Super Deluxe Eight:	
2-Passenger Coupe.....	860.00
Sedan Coupe.....	920.00
Convertible Coupe.....	1,080.00
Tudor Sedan.....	895.00
Fordor Sedan.....	930.00
Station Wagon.....	1,125.00
Mercury:	
2 door sedan.....	1,030.00
4 door sedan—Town.....	1,065.00
Sedan Coupe.....	1,055.00
Coupe (6 Window).....	995.00
Club Convertible.....	1,215.00
Station Wagon.....	1,280.00

Make and model	List price
HUDSON	1942 models
Six:	
3-Passenger Coupe.....	828.00
Club Coupe.....	897.00
2-Door Sedan.....	877.50
4-Door Sedan.....	904.50
Six—Deluxe:	
3-Passenger Coupe.....	916.00
Club Coupe.....	967.00
2-Door Sedan.....	945.50
4-Door Sedan.....	977.50
Convertible Sedan.....	1,212.00
Six—super:	
3-Passenger Coupe.....	1,036.00
Club Coupe.....	1,090.00
2-Door Sedan.....	1,064.50
4-Door Sedan.....	1,092.50
Convertible Sedan.....	1,332.00
Station Wagon.....	1,412.00
Six—Commodore:	
3-Passenger Coupe.....	1,115.00
Club Coupe.....	1,175.00
2-Door Sedan.....	1,152.50
4-Door Sedan.....	1,181.50
Convertible Sedan.....	1,402.00
Eight—Commodore:	
3-Passenger Coupe.....	1,156.00
Club Coupe.....	1,215.00
2-Door Sedan.....	1,186.50
4-Door Sedan.....	1,223.50
Convertible Sedan.....	1,451.00
Eight—Commodore—Custom:	
Club Coupe.....	1,311.00
4-Door Sedan.....	1,429.50

Make and model	List price
LINCOLN	1942 models
Lincoln-Zephyr:	
3-Passenger Coupe.....	\$1,650.00
Convertible Coupe.....	2,150.00
Club Coupe.....	1,700.00
4-Door Sedan.....	1,700.00
Lincoln-Zephyr (Custom):	
3-Passenger Coupe.....	1,735.00
4-Door Sedan.....	1,795.00
Club Coupe.....	1,795.00
Lincoln-Continental:	
Coupe.....	3,000.00
4-Door Cabriolet Sedan.....	3,000.00
Lincoln-Custom:	
4-Door 8-Passenger Sedan.....	2,950.00
4-Door Limousine.....	3,075.00

Make and model	List price
NASH	1942 models
Ambassador—600:	
Torpedo 4-Door Sedan.....	918.00
Brougham.....	883.00
Business Coupe.....	843.00
2-Door Sedan.....	873.00
Fast Back 4-Door Sedan.....	893.00
Ambassador—six:	
Torpedo 4-Door Sedan.....	1,069.00
Brougham.....	1,034.00
Business Coupe.....	994.00
Fast Back 4-Door Sedan.....	1,044.00
2-Door Sedan.....	1,024.00
Ambassador—eight:	
Torpedo 4-Door Sedan.....	1,119.00
Brougham.....	1,084.00
Fast Back 4-Door Sedan.....	1,094.00

Make and model	List price
OLDSMOBILE	1942 models
"66"—8:	
Business Coupe.....	915.00
Club Coupe.....	955.00
Convertible Coupe.....	1,185.00
2-Door Club Sedan.....	970.00
2-Door Sedan.....	960.00
4-Door Sedan.....	1,005.00
4-Door Town Sedan.....	1,005.00
Station Wagon.....	1,280.00
"68"—8:	
Business Coupe.....	955.00
Club Coupe.....	995.00
Convertible Coupe.....	1,225.00
2-Door Club Sedan.....	1,010.00
2-Door Sedan.....	1,000.00
4-Door Sedan.....	1,045.00
4-Door Town Sedan.....	1,045.00
Station Wagon.....	1,320.00
"76"—6:	
2-Door Club Sedan.....	1,010.00
4-Door Sedan.....	1,065.00
"76D"—6:	
2-Door Club Sedan.....	1,095.00
4-Door Sedan.....	1,150.00
"78"—8:	
2-Door Club Sedan.....	1,050.00
4-Door Sedan.....	1,105.00
"78D"—8:	
2-Door Club Sedan.....	1,135.00
4-Door Sedan.....	1,190.00
"98"—8:	
Club Coupe.....	1,220.00
Convertible Coupe.....	1,450.00
4-Door Sedan.....	1,275.00

Make and model	List price
PACKARD	1942 models
Six—Series 2000:	
Special:	
1588 Business Coupe.....	1,166.00
1585 Club Sedan.....	1,199.00
1582 Touring Sedan.....	1,232.00
Custom:	
1505 Club Sedan.....	1,266.00
1502 Touring Sedan.....	1,299.00
1589 Convertible.....	1,375.00
Eight—Series 2001:	
Special:	
1598 Business Coupe.....	1,208.00
1595 Club Sedan.....	1,241.00
1592 Touring Sedan.....	1,275.00

Make and model	List price
PACKARD—continued	1942 models
Eight—Series 2001—Continued.	
Custom:	
1515 Club Sedan.....	\$1,308.00
1512 Touring Sedan.....	1,341.00
1599 Convertible Coupe.....	1,469.00
Eight—Series 2003:	
1575 Club Sedan.....	1,630.00
1572 Touring Sedan.....	1,688.00
1579 Convertible Coupe.....	1,788.00
Eight—Series 2004:	
1562 Touring Sedan.....	1,893.00
Eight—Series 2005:	
1571 Touring Sedan.....	2,034.00
1570 Touring Limo.....	2,150.00
1591 Business Sedan.....	1,888.00
1690 Business Limo.....	2,010.00
Eight—Series 2006:	
1525 Club Sedan.....	2,099.00
1522 Touring Sedan.....	2,190.00
1529 Darrin Conv. Vlc.....	4,519.00
Eight—Series 2007:	
1532 Formal Sedan.....	3,011.00
1542 Touring Sedan.....	2,440.00
894 Rollson Cabr. A. W.....	4,702.00
Eight—Series 2008:	
1551 Touring Sedan.....	2,523.00
1550 Touring Limo.....	2,645.00
895 Rollson Town Car A. W.....	4,889.00
1521 LeBaron Sedan.....	5,446.00
1520 LeBaron Limo.....	5,690.00

Make and model	List price
PLYMOUTH	1942 models
Model No. P-14 S:	
4-Door Sedan.....	889.00
2-Door Sedan.....	850.00
Utility Sedan.....	842.00
Club Coupe.....	885.00
Coupe—3 Passenger.....	812.00
Model No. P-14 C:	
4-Door Sedan.....	935.00
2-Door Sedan.....	895.00
Town Sedan.....	980.00
Club Coupe.....	928.00
Convertible Coupe.....	1,078.00
Coupe—3 Passenger.....	855.00
Station Wagon.....	1,145.00

Make and model	List price
PONTIAC	1942 models
Torpedo Six:	
Business Coupe.....	895.00
Sport Coupe.....	935.00
Convertible Coupe.....	1,165.00
Sedan Coupe.....	950.00
2-Door Sedan.....	940.00
4-Door Sedan.....	985.00
4-Door Sedan—Metropolitan.....	985.00
Streamliner Six:	
4-Door Sedan.....	1,035.00
Sedan Coupe.....	980.00
Station Wagon.....	1,265.00
Streamliner Chieftain Six:	
Sedan Coupe.....	1,030.00
4-Door Sedan.....	1,085.00
Station Wagon.....	1,315.00
Torpedo Eight:	
Business Coupe.....	920.00
Sport Coupe.....	960.00
Convertible Coupe.....	1,190.00
Sedan Coupe.....	975.00
2-Door Sedan.....	965.00
4-Door Sedan.....	1,010.00
4-Door Sedan—Metropolitan.....	1,010.00
Streamliner Eight:	
Sedan Coupe.....	1,005.00
4-Door Sedan.....	1,060.00
Station Wagon.....	1,290.00
Streamliner Chieftain:	
Sedan Coupe.....	1,055.00
4-Door Sedan.....	1,110.00
Station Wagon.....	1,340.00

Make and model	List price
STUDEBAKER	1942 models
Custom Champion:	
Cruising Sedan.....	804.00
Club Sedan.....	774.00
Coupe.....	744.00
Double Dater Coupe.....	769.00

Make and model	List price
STUDEBAKER—continued	
1942 models	
Deluxstyle Champion:	
Cruising Sedan	\$839.00
Club Sedan	809.00
Coupe	779.00
Double Dater Coupe	804.00
Custom Commander:	
Cruising Sedan	1,044.75
Land Cruiser	1,079.75
Sedan Coupe	1,024.75
Deluxstyle Commander:	
Cruising Sedan	1,089.75
Land Cruiser	1,124.75
Sedan Coupe	1,069.75
Skyway Commander:	
Cruising Sedan	1,124.75
Land Cruiser	1,159.75
Sedan Coupe	1,104.75
Custom President:	
Cruising Sedan	1,161.00
Land Cruiser	1,196.00
Sedan Coupe	1,141.00
Deluxstyle President:	
Cruising Sedan	1,206.00
Land Cruiser	1,241.00
Sedan Coupe	1,186.00
Skyway President:	
Cruising Sedan	1,241.00
Land Cruiser	1,276.00
Sedan Coupe	1,221.00
WILLYS-OVERLAND	
Coupe—Speedway	695.00
Sedan—Speedway	745.00
Coupe—Deluxe	769.00
Sedan—Deluxe	795.00
Coupe—Plainsman	819.00
Sedan—Plainsman	845.00
Station-Wagon	978.00

Issued this 31st day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

REVISED PRICE SCHEDULE NO. 86.—DOMESTIC WASHING MACHINES AND IRONING MA- CHINES

Manufacturers' prices for domestic laundry equipment, which includes washing machines and ironers, advanced approximately 12% on a weighted average basis between January 1 and September 15, 1941. By letter of September 16, 1941, to all industry members; the Office of Price Administration requested that it be consulted prior to the institution of any price increases. This served to check the upward trend of prices. Subsequently, this Office made the same request to the manufacturers of wringers, tubs and motors, the three major component parts of the washing machine. This has had a stabilizing effect upon manufacturing costs.

On October 29, 1941, the Office of Production Management issued an order cutting production of domestic laundry equipment to almost 80% of that in the base year ending June 30, 1941. Subsequent orders have cut production down to approximately 60%. With further restriction of production likely, it becomes

necessary to take effective steps to prevent inflationary price increases. Price Schedule No. 86 has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on January 21.

In order to prevent nullification of Price Schedule No. 86, changes in specifications are temporarily restricted.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1380.1 *Maximum prices for washing machines and ironing machines.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any washing machine or ironing machine, at a price higher than the maximum price:

(a) *Models in price list between October 1–October 15, 1941.* The maximum price for any model washing machine or ironing machine, in a price list of the manufacturer in effect at any time during the period October 1–October 15, 1941, inclusive, shall be the highest price quoted in any such price list for such model to the same person or to a person in the same general class, except that, in the case of the Apex Electrical Manufacturing Company the maximum price for any such model shall be the price in effect on February 2, 1942.

(b) *Other models sold between January 1–October 15, 1941.* The maximum price for any model washing machine or ironing machine, not in a price list of the manufacturer in effect at any time during the period October 1–October 15, 1941, inclusive, but sold, or contracted to be sold, by him during the period January 1–October 15, 1941, inclusive, shall be the highest net price, f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period October 1–October 15, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person; or if such model was not sold, or contracted to be sold, by him during such period, the highest net price f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period January 1–September 30, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person.

(c) (1) *Models first offered for sale between October 16, 1941–February 8, 1942.* The maximum price for any model washing machine or ironing machine offered for sale for the first time between October 16, 1941, and February 8, 1942, inclusive, shall be (1) the price already approved in writing by the Office of Price Administration, if a price has been so approved; or (2) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1380.5 (a) (2), the highest net

price, f. o. b. manufacturer's point of shipment, at which such model was sold, or contracted to be sold, by the manufacturer prior to February 9, 1942 (or, if there was no such sale, or contract of sale, the highest net price f. o. b. manufacturer's point of shipment quoted in writing by the manufacturer for such model at any time prior to February 9, 1942), to the same person or to a person in the same general class, or, if there was no such person, to any person; and unless such report has been submitted by February 25, 1942, no sale, offer to sell, delivery or transfer of such model shall be made thereafter until such report is submitted; and (3) after such approval, shall be such approved price.

(2) *Approved prices.* The approved maximum price for ironer model No. S-424 of American Ironing Machine Company shall be (i) for a sale to a distributor, \$23.38, and (ii) for a sale to a syndicate or dealer, \$26.58.

[Paragraph (c) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 908]

(d) *Cost-plus contracts and sales after the termination of cost-plus contracts—*
(1) *Completion of outstanding cost-plus contracts.* The maximum price for any model washing machine or ironing machine delivered by the manufacturer after February 8, 1942, in order to complete a cost-plus contract outstanding on January 21, 1942, shall be determined by the terms of such contract: *Provided*, That no change in the terms of any such contract, which would increase the maximum price, shall be made by amendment, substitution of a new contract, or otherwise.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no washing machine or ironing machine shall be sold, delivered or transferred under a cost-plus contract not outstanding on January 21, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing.

(3) *Sales after termination of cost-plus contracts.* The maximum price for any model washing machine or ironing machine referred to in sub-paragraphs (1) or (2) of this section, which on or after February 9, 1942, is sold, offered for sale, delivered or transferred upon terms other than cost-plus and whose maximum price is not otherwise determinable, shall be the price approved by the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the proposed price and specifications of such model, and (ii) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(e) *Other models in process of manufacture.* The maximum price for any model washing machine or ironing machine in process of manufacture during the period October 1, 1941–February 8,

¹ Issued: 7 F.R. 664.

1942, inclusive, and offered for sale for the first time on or after February 9, 1942, other than a model referred to in paragraph (g) of this section, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such model and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(f) *Models involving elimination of features or changes in specifications which reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine referred to in § 1380.3 (b) (2) shall be such price as is approved by the Office of Price Administration pursuant thereto.

(g) *Models incorporating changes in specifications which do not reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine offered for sale for the first time on or after February 9, 1942, which incorporates any of the changes in specifications referred to in § 1380.3 (a) or (b) (1), shall be the maximum price chargeable for such model prior to the incorporation of any such change as determined by paragraphs (a), (b), (c), (d), (e) or (f) of this section.*

*§§ 1380.1 to 1380.10, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R., 1917, 4483.

§ 1380.2 *Less than maximum prices.* Lower prices than those set forth in § 1380.1 may be charged, demanded, paid or offered.*

§ 1380.3 *Limitation of changes in specifications of washing machines and ironing machines.* Between February 9, 1942, and December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, any washing machine or ironing machine differing in specifications from a washing machine or ironing machine referred to in § 1380.1 (a), (b), (c), (d) and (e), except as provided in paragraphs (a) and (b) of this section.

(a) *Non-substantial changes.* A manufacturer may make any of the following changes in specifications of any model washing machine or ironing machine, provided that quality, convenience of operation and efficiency of performance are not reduced and that he submits to the Office of Price Administration a report of each such change as required by § 1380.5 (b):

- (1) Change in name plate.
- (2) Change in decal.
- (3) Change in color, trim or hardware.
- (4) Change in any part (including a feature) other than a major component part.

Provided, further, That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or effi-

ciency of performance, the manufacturer shall not sell, offer to sell, deliver or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(b) *Changes in specifications of major component parts and elimination of features.* (1) A manufacturer may change the specifications of any major component part (as that term is defined in § 1380.9 (g)) of any model washing machine or ironing machine: *Provided,* That he submits to the Office of Price Administration a report as required by § 1380.5 (b) showing each such change made and containing satisfactory evidence that such change will not reduce the quality, convenience of operation, or efficiency of performance of such model and that such change (i) is necessary because (a) the part or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the change, or (ii) is desirable because it will result in substantial conservation of strategic materials: *Provided further,* That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance the manufacturer shall not sell, offer to sell, deliver, or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(2) In the event that the manufacturer proposes to make a change in the specifications of any major component part of any model which would reduce quality, convenience of operation, or efficiency of performance or to eliminate any feature (as that term is defined in § 1380.9 (h)) from any model, he should submit to the Office of Price Administration an application containing the proposed price for such model and satisfactory evidence (i) that such change or elimination is necessary because (a) the part, feature or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the proposed change, or (ii) that such change or elimination is desirable because it will result in substantial conservation of strategic materials. If the Office of Price Administration approves the application he may sell, offer to sell, deliver or transfer such model at a price no higher than the price so approved.*

§ 1380.4 *Records.* Every manufacturer, making sales of washing machines or ironing machines after February 8, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.*

§ 1380.5 *Reports—(a) Models offered for sale between January 1, 1941–February 8, 1942.* (1) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose maximum price is determined by § 1380.1 (a) or (b) showing the maximum price thus established and the specifications for each such model.

(2) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose temporary maximum price is determined by § 1380.1 (c) (2) showing the temporary maximum price thus established and the specifications for each such model.

(3) Manufacturers who have already submitted to the Office of Price Administration any of the information in subparagraphs (1) and (2) of this section need not duplicate it, but shall make reference to the information already submitted.

(b) *Changes in specifications.* On or before March 10, 1942, every manufacturer shall submit to the Office of Price Administration, a report of each change in specifications made in any model washing machine or ironing machine between February 9, 1942, and February 28, 1942, inclusive, containing the information required by § 1380.3 (a) or (b) (1), and on or before the tenth day of each May, July, September, November, January and March thereafter, a similar report covering the two months immediately preceding the month in which each such report is made.

(c) *Cost-plus contracts.* On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of washing machines or ironing machines, outstanding on January 21, 1942.

(d) *Discontinued models.* (1) On or before March 1, 1942, every manufacturer who has discontinued production of any model washing machine or ironing machine offered for sale during the period January 1, 1941–February 28, 1942, inclusive, shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him during such period.

(2) At least 10 days after a manufacturer discontinues production of any model washing machine or ironing machine after February 28, 1942, he shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him from January 1, 1941, to the date of discontinuance.

(e) *Monthly output of washing machines and ironing machines.* On or before February 15, 1942, and on or before the fifteenth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the

total number of completed units of each model washing machine and ironing machine produced by him in the preceding month. Such report shall refer to the model number of other appropriate designation of each such washing machine or ironing machine. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

(f) Persons affected by Price Schedule No. 86 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1380.6 *Evasion.* The limitations set forth in Price Schedule No. 86 shall not be evaded whether by direct or indirect methods in connection with the manufacture or assembling of washing machines or ironing machines by deterioration of quality or performance, or in connection with a purchase, sale, delivery or transfer of washing machines or ironing machines, alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge, or premium, or other privilege or by tying-agreement or other trade understanding, or by making discounts, or allowances of any sort, or other terms and conditions of sale, less favorable to the purchaser than those available or in effect on October 1, 1941; or by any other means.*

§ 1380.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 86, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 86; (c) that full advantage will be taken of the cooperation of the various political sub-divisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 86 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 86.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of washing machines or ironing machines, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1380.8 *Modification of Price Schedule No. 86.* Persons complaining of

hardships or inequity in the operation of Price Schedule No. 86 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 86.*

§ 1380.9 *Definitions.* When used in Price Schedule No. 86, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means any person operating a plant, factory, or other establishment engaged in the manufacture, or assembling of washing machines or ironing machines; or any person who resells washing machines or ironing machines to any person other than a retailer or ultimate consumer.

(c) "Washing machine" means a mechanically operated machine used in the home for washing clothes and other household articles;

(d) "Ironing machine" means a mechanically operated machine used in the home for ironing clothes and other household articles;

(e) "Model" means any washing machine or ironing machine offered for sale as a distinct item.

(f) "Any model washing machine or ironing machine in process of manufacture" means any model for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.

(g) "Major component part" means (1) in the case of a washing machine, the transmission, tub, cover, wringer and roll, agitator, motor, base or legs; and (2) in the case of an ironing machine, the transmission, base, legs, roll, shoe or cover.

(h) "Feature" means (1) in the case of a washing machine, the timer, off and on switch, overload switch, cord reel, or thermometer; and (2) in the case of an ironing machine, thermostatic controls, lap shelf, end shelves, swiches, roll speeds, clothes racks, porcelain table top, shoe edge protector, light or emergency shoe release.*

§ 1380.10 *Effective date of Price Schedule No. 86.* This Schedule (§§ 1380.1 to 1380.10, inclusive) shall become effective February 9, 1942.*

Issued this 31st day of January 1942.¹

LEON HENDERSON,
Administrator.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 87—SCRAP RUBBER

The War being waged with the Japanese Empire makes uncertain the future shipments of rubber from the Far East. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this

*Issued: 7 F.R. 672. Amended: 7 F.R. 908. Corrected: 7 F.R. 1009.

country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of such materials as reclaimed rubber which serve as substitutes for crude rubber. The demand for scrap rubber, the material from which reclaimed rubber is made, may be expected to expand sharply, thereby producing grave danger of further price increases.

Scrap rubber prices have been rising steadily in recent months. The maximum prices fixed by Price Schedule No. 87 are based on prices prevailing shortly before the outbreak of the war in the Pacific. The Office of Price Administration has determined, after investigation and conference with both the producing and consuming elements of the industry, that price advances beyond the maximum prices set forth herein are not necessary to produce the maximum supply of scrap rubber.

Because of the vital importance to the nation's war effort of keeping the cost of substitution of reclaimed rubber for crude rubber to a minimum, the Office of Price Administration fixed the price of reclaimed rubber by Price Schedule No. 56. As an essential and integral part of the Government's rubber program, and in order to make the other steps effective, it is necessary during the present emergency to establish maximum prices for scrap rubber.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.1251 *Maximum prices for scrap rubber.* On and after February 5, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver or transfer scrap rubber to any consumer, and no consumer shall buy, offer to buy, or accept delivery of scrap rubber at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1260.*

*§§ 1315.1251 to 1315.1260, inclusive, issued under the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1315.1252 *Less than maximum prices.* Lower prices than those set forth in § 1315.1260, Appendix A, may be charged, demanded, paid or offered.*

§ 1315.1253 *Evasion.* The price limitations set forth in Price Schedule No. 87 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of scrap rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1315.1254 *Records and reports.* Every person making any sale of scrap rubber to a consumer and every consumer making any purchase of scrap rubber after February 5, 1942, shall keep for

inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the quantity of each kind or grade purchased or sold, and the price paid or received, showing as a separate item any transportation charges added to the maximum price pursuant to paragraph (e) of § 1315.1260, Appendix A, and (b) the quantity of each grade of scrap rubber (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 87 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1315.1255 *Affirmations of compliance.* On or before March 10, 1942, and on the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold scrap rubber to a consumer, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 187:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 87, or with any exception therefrom or modification thereof. Copies of Form 187:1 can be procured at the Office of Price Administration or, provided that no change is made in the style and content of the form and that it is reproduced on 8 by 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.1256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of Price Schedule No. 87, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 87, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 87, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 87 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the Rubber Reserve Company and the procurement services of the

Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 87.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of scrap rubber, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1315.1257 *Modification of Price Schedule No. 87.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 87 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 87.*

§ 1315.1258 *Definitions.* When used in Price Schedule No. 87 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Scrap rubber" means the kinds and grades of scrap rubber listed in § 1315.1260, Appendix A;

(c) "Consumer" means any person consuming scrap rubber in the manufac-

ture of any product except tire repair materials or accessories. It does not include a person who repairs or reconditions scrap rubber articles to make them re-usable for the purpose for which they were originally manufactured.

(d) "Consuming mill" means a mill or other establishment where a consumer uses scrap rubber.

(e) "Consuming center" means one of the towns, listed in Tables I and II of § 1315.1260, Appendix A, in which consuming mills are located;

(f) "Ton" means a short ton of 2,000 pounds net weight determined at the consuming mill. Bags, coverings or containers shall not be included in the net weight.*

§ 1315.1259 *Effective date of Price Schedule No. 87.* This Schedule (§§ 1315.1251 to 1315.1260, inclusive) shall become effective on February 5, 1942.*

§ 1315.1260 *Appendix A: Maximum prices for scrap rubber—(a) Chief consuming centers.* The maximum prices listed in Tables I and II for each consuming center are applicable to every sale of scrap rubber to any consumer for use in a consuming mill located in such consuming center, regardless of the place from which the scrap rubber may have been shipped or where the actual sale may have been made.

TABLE I

[Dollars per short ton]

Grade	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	East St. Louis, Ill.	Gadsden, Ala.	Los Angeles, Calif.	Memphis, Tenn.	Naugatuck, Conn.
Passenger Tires: ¹							
Mixed Passenger Tires ²	\$18.00	\$17.50	\$16.40	\$14.00	\$12.00	\$15.50	\$16.50
Beadless Passenger Tires ³	24.00	23.50	22.00	19.00	16.50	20.85	22.12
Passenger S. A. G. ⁴	18.50	18.00	16.00	14.50	12.50	16.00	17.00
Truck Tires: ⁵							
Mixed Truck Tires ⁶	18.00	17.50	16.40	14.00	12.00	15.50	16.50
Beadless Truck Tires ⁷	24.00	23.50	22.00	19.00	16.50	20.85	22.12
No. 1 Truck S. A. G. ⁸	16.50	16.00	14.00	12.50	10.50	14.00	15.00
No. 2 Truck S. A. G. ⁹	16.50	16.00	14.00	12.50	10.50	14.00	15.00

¹ *Passenger Tires.* Shall consist of whole pneumatic tire casings having six plies or less, and shall be free from hard, oxidized, burnt, filled, non-pneumatic, single tube and motorcycle tires, and from leather and metal.

² *Mixed Passenger Tires.* This grade shall consist of black whole tires free from strip tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of roadworn tires.

³ *Beadless Passenger Tires.* This grade shall consist of Mixed Passenger Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Passenger Tires.

⁴ *Passenger S. A. G.* This grade shall consist of pieces of pneumatic passenger tires from which the treads and beads have been removed and may or may not contain sidewall rubber.

⁵ *Truck Tires.* Shall consist of whole pneumatic tires casings for busses and trucks having seven plies or more, and shall be free from hard, oxidized, burnt, filled, non-pneumatic single tube tires, and from leather and metal.

⁶ *Mixed Truck Tires.* This grade shall consist of black whole tires free from stripped tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of Roadworn Tires.

⁷ *Beadless Truck Tires.* This grade shall consist of Mixed Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Truck Tires.

⁸ *No. 1 Truck S. A. G.* This grade shall consist of pieces of pneumatic bus and truck tires from which the tread and beads, but not the sidewall, have been removed.

⁹ *No. 2 Truck S. A. G.* This grade shall consist of a mixture of No. 1 Passenger S. A. G. with No. 1 Truck S. A. G., and may or may not contain sidewall rubber.

TABLE II

Grade	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N.Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	Dollars per short ton
No. 1 Passenger Peelings ¹	47.50	40.00
No. 2 Passenger Peelings ¹	30.00	22.50
No. 3 Passenger Peelings ¹	27.50	20.00
No. 1 Truck Peelings ⁴	47.50	37.50
No. 1 A Truck Peelings ⁴	50.00	38.75
No. 2 Truck Peelings ⁶	30.00	22.50
No. 3 Truck Peelings ⁷	27.50	20.00
No. 1 Light Colored (Zinc) Carcass ⁸	52.50	40.00
No. 2 Light Colored Carcass ⁸	50.00	38.75
Gray Carcass ¹⁰	47.50	37.50
	Cents per pound	Cents per pound
Passenger Tubes: ¹¹		
No. 2 Passenger Tubes ¹¹	7½	7½
Light Colored No. 2 Passenger Tubes ¹¹	8¼	7½
Red Passenger Tubes ¹¹	7½	7
Black Passenger Tubes ¹¹	6¾	6¼
Mixed Passenger Tubes ¹¹	6¼	6¼
Truck Tubes: ¹¹		
No. 2 Truck Tubes ¹¹	7½	7
Red Truck Tubes ¹¹	7½	6¾
Black Truck Tubes ¹¹	6¾	4¾
Two-Toned Black-Gold Tubes ¹¹	6¾	6¼
Two-Toned Red-Black Tubes ¹¹	6½	6

¹ No. 1 Passenger Peelings. This grade shall consist of treads stripped from black pneumatic passenger tires. The material shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads.

² No. 2 Passenger Peelings. This grade shall consist of treads stripped from black pneumatic passenger tires. The material may contain cushion rubber, breaker fabric and sidewalls plus no more than one full ply of carcass fabric.

³ No. 3 Passenger Peelings (Bald Head Peelings). This grade is the same as No. 2 Passenger Peelings except that a part of the tread has been removed.

⁴ No. 1 Truck Peelings. This grade shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, but shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads. This grade may contain not more than 10% of No. 1 Passenger Peelings.

⁵ No. 1A Truck Peelings. This grade shall have the same specification as No. 1 Truck Peelings except these peelings shall be free from cushion rubber.

⁶ No. 2 Truck Peelings. This grade shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, breaker fabric and sidewalls, but no more than one full ply of carcass fabric.

⁷ No. 3 Truck Peelings (Bald Head Peelings). This grade is the same as No. 2 Truck Peelings except that a part of the tread has been removed.

⁸ No. 1 Light Colored Carcass. This grade shall consist of all white zinc carcass free of black edges and any other colored rubber.

⁹ No. 2 Light-Colored Carcass. This grade shall consist of light colors as white, pink, light gray, pure gum and light brown carcass, free of all black edges and dark colored rubber.

¹⁰ Gray Carcass. This grade shall consist of gray, and colors too dark for delivery under No. 2 Light Colored Carcass, and shall be free of all black edges and black rubber.

¹¹ Passenger Tubes. Shall consist of inner tubes for pneumatic passenger tires, free from sections of tubes less than 12 inches long, free from truck, bus and puncture-proof tubes, crusty and oxidized tubes, and free from metal and punchings. All passenger tubes, except Mixed Passenger Tubes, shall be free from metal valves. All passenger tubes, except Mixed Passenger Tubes and Black Passenger Tubes, shall be free from black rubber valve coats and the bases of such valves.

¹² No. 2 Passenger Tubes. This grade shall consist of compounded passenger tubes free from black, red and two-toned passenger tubes.

¹³ Light Colored No. 2 Passenger Tubes. This grade shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and the seller.

¹⁴ Red Passenger Tubes. This grade shall be strictly RED tubes.

¹⁵ Black Passenger Tubes. This grade shall be strictly black compounded passenger tubes. Black rubber

valve coats and their base, may be present, but no metal valves or parts.

¹⁶ Mixed Passenger Tubes. This grade shall consist of whole tubes of various colors and qualities and may contain valves unless otherwise specified in the purchase contract.

¹⁷ Truck Tubes. Shall consist of inner tubes for pneumatic truck and bus tires, free from sections of tubes less than 12 inches long, and free from crusty, oxidized or puncture-proof tubes, metal and punchings. All truck tubes, except Mixed Truck Tubes, shall be free from metal valves and from black rubber valve coats and the bases of such valves unless otherwise specified in the purchase contract.

¹⁸ No. 2 Truck Tubes. This grade shall consist of compounded truck tubes free from black, red and two-toned tubes.

¹⁹ Red Truck Tubes. This grade shall be strictly RED tubes.

²⁰ Black Truck Tubes. This grade shall be strictly black compounded truck tubes. Black rubber valve coats and their bases may be present, but no metal valves and parts.

²¹ Two-Toned Black-Gold Tubes. This grade shall be two-toned black and gold passenger or truck tubes.

²² Two-Toned Red-Black Tubes. This grade shall be two-toned red and black passenger or truck tubes.

(b) Other consuming mills. For any sale of scrap rubber to any consumer for use in a consuming mill not located in one of the consuming centers listed in Tables I and II, the applicable maximum prices shall be those set forth in Tables I and II for the one of the consuming centers there listed to which the freight charge on scrap rubber from such consuming mill is lowest. If from any such consuming mill the freight charge on scrap rubber to two or more of the consuming centers listed in Tables I and II is equal and it is not lower to any of the others, the maximum prices applicable to sales for consumption in such mill shall be the prices set forth in Tables I and II for the one of those consuming centers with equal freight rates whose maximum prices are lowest.

(c) Delivered prices. The prices specified in this Appendix are the maximum prices that may be paid by any consumer or charged by any person for scrap rubber delivered to a consuming mill. The maximum prices set forth herein shall include all transportation costs except as provided in paragraph (e) below.

(d) Packing. The maximum prices specified in this Appendix apply to scrap rubber that is packed as follows: Mixed and beadless passenger and truck tires as listed in Table I may be shipped bundled or loose in cars. All other grades of scrap rubber shall be packed in bags or bales, with each grade packed separately. Each bale shall weigh not less than 500 pounds, nor more than 1,500 pounds and shall be well and securely bound. Any scrap rubber not packed in accordance with the provisions of this paragraph must be sold at appropriate differentials below the maximum prices.

(e) Freight allowance for long hauls. For any scrap rubber consisting of mixed or beadless passenger or truck tires as listed in Table I on which the actual transportation charges paid for the direct shipment to a consuming mill exceed eight dollars (\$8.00) per ton, the maximum prices specified in this Appendix may be increased by a sum per ton not in excess of the difference between \$8.00 and such actual transportation cost involved per ton.

(f) Premiums for large deliveries—(1) Allowance of premiums. On any single sale of scrap rubber consisting of grades specified in subparagraph (2) below as

belonging to one of the groups therein set forth and amounting to or exceeding the tonnage figure set forth in subparagraph (2) for that particular group, the amounts specified in subparagraph (3) below for each grade may be added to the maximum prices of each such grade, provided delivery to the consuming mill of the full amount of such sale is completed within 60 days after the receipt at such mill of the first delivery on such sale.

The amount of tonnage specified in subparagraph (2) for each group may consist of any combination of grades included in that group. In no case may the minimum tonnage required by subparagraph (2) for any group be figured by including grades listed in that subparagraph as falling within another group.

(2) Groups entitled to premiums. Group A consists of mixed or beadless passenger or truck tires as listed in Table I. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 750 tons or more. Group B consists of grades listed in Tables I and II as S. A. G., peelings, or carcass. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 400 tons or more. Group C consists of tubes as listed in Table II. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 150 tons or more.

(3) Amount of premium. The amounts that may be added to the maximum prices for specific grades of scrap rubber under the provisions of this paragraph (f) are:

(i) One dollar and fifty cents (\$1.50) per ton for beadless passenger or truck tires as listed in Table I;

(ii) One dollar (\$1) per ton for any scrap rubber except beadless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is \$20.00 per ton or less;

(iii) Five percent (5%) of the maximum price set forth in Tables I and II or \$5.00 per ton, whichever is less, for any scrap rubber except beadless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is over \$20 per ton.*

Issued this 31st day of January 1942.²

LEON HENDERSON,
Administrator.

PART 1340—FUEL

REVISED PRICE SCHEDULE NO. 88—PETROLEUM AND PETROLEUM PRODUCTS

The production, refining and distribution of petroleum and petroleum products constitute one of the largest industries in the United States. Ample supplies of petroleum products are of prime importance to the armed forces and are equally essential to the industrial activity required by the war effort and to the civilian life of the nation. Inflationary increases in the prices of petroleum and its products will not only be multiplied

* Issued: 7 F. R. 658. Corrected: 7 F. R. 755.

in the whole structure of costs and prices; they will directly increase the cost of living and the burden of supplying the armed forces.

Price stabilization in the petroleum industry was initiated on the basis of informal agreements between the Office of Price Administration and members of the industry. The increasing scope of control and the growing multiplicity of informal agreements and understandings has made it necessary to embody these agreements and understandings in a Price Schedule. Such action will serve to clarify the price policies of this Office as they affect the petroleum industry and to protect the industry and the public from the inflationary effects of unwarranted price increases.

Asphalt and asphalt products are sold principally on the basis of long-term contracts. In 1941 these contracts were agreed upon at low price levels, but by the end of 1941 it became apparent that contracts for 1942 were being negotiated at considerably higher prices. In order to prevent inflationary increases in the prices of asphalt and asphalt products, Price Schedule No. 88 has been amended to cover asphalt and asphalt products.

[Preamble as amended February 9, effective February 10, 1942; 7 F.R. 934]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.151 *Maximum prices for petroleum and petroleum products.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1340.159, no person shall sell, offer to sell, deliver or transfer petroleum or petroleum products, and no person shall buy, offer to buy, or accept delivery of crude petroleum at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.159.

[§ 1340.151 as amended February 7, effective February 2, 1942; 7 F.R. 906]

*§§ 1340.151 to 1340.159, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.152 *Less than maximum prices.* Lower prices than those set forth in § 1340.159, Appendix A, may be charged, demanded, paid or offered.*

§ 1340.153 *Evasion.* The price limitations set forth in Price Schedule No. 88 shall not be evaded whether by direct or indirect methods in connection with a sale, delivery or transfer of petroleum products, or a purchase, sale, delivery or transfer of crude petroleum, alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.*

§ 1340.154 *Records and reports.* All purchase prices for crude petroleum as of October 1, 1941, whether or not such purchase prices were posted, shall be filed with this Office within thirty days after the effective date of Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive).

Purchase prices for crude petroleum described above may be submitted in the form of such price schedules or price lists as were in use on the dates specified, provided such price schedules or price lists are corrected to indicate any variance between the schedule or list price and the purchase price.

Where a contract was in effect as of October 1, 1941 for the sale of crude petroleum at the well in excess of the posted purchase price for the pool involved, duly authenticated copies of such contracts shall be filed with this Office within thirty days after the effective date of Price Schedule No. 88.

Where maximum prices for any sale or purchase of crude petroleum or sale of petroleum products are not provided for in Section 1340.159, purchasers and sellers of crude petroleum and sellers of petroleum products shall, within ten days after the purchase or sale in question, submit to this Office the price and description of the crude petroleum or petroleum product in question.

Persons affected by Price Schedule No. 88 shall submit such other reports to the Office of Price Administration and keep such records as it may from time to time require.*

§ 1340.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive), or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 88, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 88; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 88 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 88.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of speculation, or manipulation of prices of petroleum or petroleum products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1340.156 *Modification of Price Schedule No. 88.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 88 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 88.*

§ 1340.157 *Definitions.* When used in Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive), the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity, including all producers, refiners, marketers and others who buy, sell or exchange petroleum and who sell or exchange petroleum products, including specifically but not exclusively the following classes of persons:

- Crude oil producers
- Crude oil purchasers
- Refiners
- Pipe line companies
- Crude oil purchasing companies
- Marketers
 - Integrated companies
 - Non-integrated companies
 - Terminal operators
 - Distributors
 - Jobbers
 - Peddlers

(b) "Petroleum products" means:

All grades of gasoline, including natural gasoline and blending naphthas; also special hydrocarbon fractions utilized in the manufacture of gasoline or the components thereof

- Liquefied petroleum gases
- Tractor distillates and similar distillate type motor fuels other than gasoline
- Kerosene, including range oil or stove oil
- Distillate burning, heating or fuel oils
- Diesel fuel oils
- Residual burning, heating or fuel oils
- Lubricating oils, including motor, aviation and stock oils (neutrals, bright stocks, steam refined stock and other stock oils)
- Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux

For the time being industrial lubricating oils, industrial naphthas and solvents, greases, and specialty products (such as household oils and spot removers) are excluded from the list of petroleum products subject to Price Schedule No. 88.

Asphalts and asphalt products not listed above are not for the time being included in the term "petroleum products" as defined above.

[Paragraph (b) as amended February 9, effective February 10, 1942; 7 F.R. 934]

(c) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(d) "Consumer or commercial tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to the ultimate consumer of such products or to persons not primarily resellers of such products.

(e) "Contract" means an agreement, the existence of which is established by written evidence.

(f) "Dealer tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to resellers of such products.

(g) "Producers" means royalty owners or other sellers of crude petroleum at the well.

(h) "Producing well" means any well that has produced any crude petroleum during a period of ninety days prior to and including October 1, 1941.

(i) "Shut-in well" means any well that has not produced any crude petroleum during a period of ninety days prior to and including October 1, 1941.

(j) "Tank wagon area" means the area in which petroleum products are distributed by tank wagon or tank truck from the given shipping point.

(k) "Roofing flux" means the basic grade of soft asphalt (85-100 penetration or softer) which is used in the roofing industry for blowing or oxidizing into other saturants and coatings or as a saturant without further processing.

(l) "Roofing asphalt" means those grades of asphalt which have been oxidized or blown to harder penetrations than roofing flux.

(m) "Paving asphalt" means asphalt specially processed for use as a binder with certain aggregates for the purpose of forming a hard surface by means of hot application.

(n) "Cut-back asphalt" means asphalt manufactured by blending light petroleum distillates with asphalt for the purpose of forming a hard surface.

(o) "Asphalt emulsions" means a suspension of liquid asphalt in water with an emulsifying agent, prepared for the purpose of forming a hard surface by cold application.

(p) "Road oils" means residual oils obtained from asphaltic petroleum by distilling off the more volatile constituents; they range in consistency from liquid petroleum in crude form to viscous asphalt.

(q) "Asphalt" means petroleum asphalt as distinguished from natural asphalt.*

[Paragraphs (k) to (q), inclusive, as amended February 9, effective February 10, 1942; 7 F.R. 934]

§ 1340.158 *Effective date of Price Schedule No. 88.* This Schedule (§§ 1340.151 to 1340.159, inclusive) shall become effective February 2, 1942.*

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* The maximum prices established by Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive) shall include the prices on all domestic, export and import transactions, sales, transfers, exchanges or purchases of crude petroleum and on all domestic, export and import transactions, sales, transfers or exchanges of petroleum products, involving contract, bid or spot sales of crude petroleum at the well, the gathering point, tank farm or terminal, and of petroleum products for cargo or barge shipment, harbor delivery, f. o. b. refinery and terminal, and tank car and tank wagon delivery. Prices for petroleum products sold at retail at service stations, garages and stores are not governed by Price Schedule No. 88.

The prices on which Price Schedule No. 88 is based are the prices after all usual discounts, such as those for quantity, prompt payment or ease of handling.

Except as specifically provided herein-after, and pending the preparation of a comprehensive schedule or schedules of specific prices, the maximum prices for petroleum and petroleum products shall be the prices determined according to paragraphs (a) and (b) below.

(a) *Crude petroleum.* (1) The maximum price at the well for crude petroleum shall be the posted purchase price as of October 1, 1941, for the pool in which any given well is located: *Provided*, That where a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the well in excess of the posted purchase price for the given pool, such contract price shall be the maximum price at the well for any given well for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the production from the same well.

(2) Where, on October 1, 1941, there was in any given pool more than one posted purchase price or no posted purchase price, the maximum price at the well for crude petroleum shall not be, for any given well, in excess of the price paid for crude petroleum from that given well as of October 1, 1941, unless this price is below the lower or lowest of the posted purchase prices, if any, and in that case the maximum price shall not be in excess of such lower or lowest posted purchase price: *Provided*, That where a contract was in effect on October 1, 1941, for the purchase of crude petroleum at the well in excess of the posted purchase price for the given pool, such contract price shall be the maximum price at the well for any given well for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the production from the same well.

(3) Where a well was a producing well on October 1, 1941, but did not actually produce any crude petroleum on that date, the maximum price for crude petroleum at such well shall be subject to paragraph (4) (ii) (a) below, provided, that, however, where the price cannot be determined by this paragraph then the price shall be governed by paragraph (1) and (3) above.

(4) Where a well was a shut-in well on October 1, 1941, and is subsequently reopened, or where a new well is completed subsequent to October 1, 1941, the maximum price at the well for crude petroleum produced from such well shall be determined as follows:

(i) Where there was only one purchase price posted as of October 1, 1941, for the pool in which the well is located, such posted price shall be the maximum price at the well for crude petroleum produced from the well in question.

(ii) Where there was more than one purchase price posted as of October 1, 1941, for the pool in which the well is located, and

(a) Where the location of the new or reopened well was included in the same lease with one or more producing wells on October 1, 1941, the posted price applicable to those producing wells on October 1, 1941, shall be the maximum price

at the well for crude from the new or reopened well.

(b) Where the above provision does not apply, the highest price posted as of October 1, 1941, for the pool in which the well is located shall be the maximum price at the well for crude from the new or reopened well.

(iii) Where there was no purchase price posted as of October 1, 1941, for the pool in which the well is located, a purchaser may set a temporary price for crude petroleum produced from the new or reopened well, subject to the provisions of § 1340.154 above. This provision covers wells representing discovery and development of new pools subsequent to October 1, 1941.

(5) The maximum prices for crude petroleum purchased at points other than at the well shall be at no greater differentials at such points over the maximum price for such crude at the well than existed on October 1, 1941.

(b) *Petroleum products.* (1) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the October 2, 1941 issue of *Platt's Oilgram* and the *Chicago Journal of Commerce*, the October 8, 1941 issue of the *National Petroleum News*, or other publications designated by this Office, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

[Subparagraph (1) as amended February 5, effective February 5, 1942; 7 F.R. 821]

(2) Where the maximum price for a petroleum product at a given shipping or delivery point cannot be determined under subparagraph (1) of this section the maximum price for each seller at such shipping or delivery point shall not exceed the price charged at that point by him on the last sale of a substantial quantity of the same product within sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged on the last sale of a substantial quantity of the same product made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of a substantial quantity of the same product in the period specified.

[Subparagraph (2) as amended February 7, 1942, effective February 2, 1942; 7 F.R. 903]

(3) Where the maximum price for products at a given shipping or delivery point cannot be determined under (1) or (2) above, sellers may sell such products at the market price prevailing at that point on October 1, 1941.

(4) Notwithstanding (1), (2) and (3), where contracts covering domestic sales of petroleum products had been made

prior to November 10, 1941, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(5) Notwithstanding (1), (2) and (3), where contracts covering export sales of petroleum products had been made prior to January 20, 1942, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(6) Notwithstanding (1), (2) and (3), sales of petroleum products may be made up to and including March 1, 1942 under the following provisions:

(1) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the first issue after November 7, 1941 of the *National Petroleum News*, *Platt's Oilgram*, or the *Chicago Journal of Commerce*, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

(2) Where the maximum price for products at a given shipping or delivery point cannot be determined under (1) above, sellers may sell such products at the market price prevailing at the time of the sale, providing, however, that notice of such price and sale is furnished to this Office within ten days after such sale.

[Subparagraphs (4), (5), and (6) added by amendment February 7, effective February 2, 1942; 7 F.R. 906]

(c) *Specific prices.* The following specific prices shall be the maximum prices for the items named at the points enumerated, notwithstanding Paragraphs (a) and (b) above:

(1) *Crude petroleum:*

Pennsylvania grade. The maximum prices at the well for Pennsylvania grade crude petroleum shall be those established in Price Schedule No. 22—Pennsylvania Grade Crude Oil (§§ 1340.21 to 1340.29 of this chapter).

North and North Central Texas and Oklahoma. The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cooke, Eastland, Fisher, Foard, Haskell, Jack, Jones, Montague, Palo Pinto, Shackelford, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, and Young Counties, Texas, and in the bed of the Red River in Tillman County, Oklahoma, shall be \$1.21 per barrel with the customary differentials for lower gravity crudes.

Louisiana. The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in the Caddo Pool in Louisiana shall be \$1.20 per barrel with the customary differentials for lower gravity crudes.

Oklahoma. The maximum price at the well for crude petroleum of 40° gravity

and above, determined by the American Petroleum Institute method, produced in Carter County and in the Haldton and Oscar Pools in Oklahoma shall be \$1.25 per barrel with the customary differentials for lower gravity crudes.

(2) *Gasoline:*

Maximum prices for cargo transactions on the Gulf Coast market. The maximum price on sales by the refiners listed below and their subsidiaries for cargo transactions on the Gulf Coast market shall be as follows:

	Cents per gallon
<i>Motor gasoline</i>	
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead.....	6.00
60-62 gravity, maximum 400 end point:	
72-74 octane leaded.....	5.75
70 octane unleaded.....	5.75
68 octane unleaded.....	5.75
65 octane unleaded.....	5.25
60 octane unleaded.....	5.00
(octane ratings as defined by American Society for Testing Materials)	
Atlantic Refining Company, The.	
Cities Service Company.	
Consolidated Oil Corporation.	
Continental Oil Company.	
Gulf Oil Corporation.	
Humble Oil and Refining Company.	
Mid-Continent Petroleum Corporation.	
National Refining Company.	
Ohio Oil Company, The.	
Pan American Petroleum and Transport Company.	
Phillips Petroleum Company.	
Pure Oil Company, The.	
Shell Union Oil Corporation.	
Skelly Oil Company.	
Socony-Vacuum Oil Company, Inc.	
Standard Oil Company of California.	
Standard Oil Company (Indiana).	
Standard Oil Company (New Jersey).	
Sun Oil Company.	
Texas Company, The.	
Tidewater Associated Oil Company.	

Maximum prices to be charged by other petroleum refiners for cargo transactions on the Gulf Coast market shall be as follows:

	Cents per gallon
<i>Motor gasoline</i>	
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead.....	6.5
60-62 gravity, maximum 400 end point:	
72-74 octane leaded.....	6.25
70 octane unleaded.....	6.25
68 octane unleaded.....	6.25
65 octane unleaded.....	5.75
60 octane unleaded.....	5.5
(octane ratings as defined by American Society for Testing Materials)	

Maximum prices for gasoline on the Eastern Seaboard.

Eastern Seaboard. (Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia). The maximum prices for all sales of all motor gasoline sold in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island,

South Carolina, Vermont, Virginia and West Virginia, shall not be in excess of 3 cents per gallon above the prices in the above States and the District of Columbia on November 7, 1941. Such maximum increase of .3 cents per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase provided for those communities below.

Maximum tank wagon prices, excluding taxes

[In cents per gallon]						
Tank wagon area	Third grade		Regular grade		Premium grade	
	Dealer	Consumer or commercial	Dealer	Consumer or commercial	Dealer	Consumer or commercial
IOWA						
Des Moines.....	9.4	10.4	9.9	11.4	11.4	13.4
OHIO						
Geneva.....	9.5	12	9.5	12	11	14
WISCONSIN						
Lodi.....	10.1	11.1	10.6	12.1	12.1	14.1
Madison.....	9.9	10.9	10.4	11.9	11.9	13.9
Mazomanie.....	9.9	10.9	10.4	11.9	11.9	13.9
Sauk City.....	10.1	11.1	10.6	12.1	12.1	14.1
Stoughton.....	9.9	10.9	10.4	11.9	11.9	13.9
Sun Prairie.....	10.1	11.1	10.6	12.1	12.1	14.1

Maryland and Virginia. The maximum tank wagon prices for those communities in Maryland and Virginia adjacent to the District of Columbia shall be not more than .5 cents per gallon in excess of the highest price between December 15, 1941 and December 31, 1941, where suppliers had been making allowances of .5 cents per gallon or more between December 15, 1941 and December 31, 1941.

(3) *Fuel oil: Maximum tank wagon prices for No. 2 fuel oil.*

	Cents per gallon
Tank wagon area:	
Washington, D. C.....	7.6

Maximum prices for Bunker C and No. 6 grade fuel oil—Gulf and East Coasts. The maximum prices for Bunker C and No. 6 grade fuel oils on the Gulf and East Coasts shall be those established in Price Schedule No. 72—Bunker C and No. 6 Grade Fuel Oils, East and Gulf Coasts (§§ 1340.101 to 1340.109 of this chapter).

(4) *Lubricants: Maximum prices f. o. b. refinery for Pennsylvania Grade neutral stocks*

[In cents per gallon]	
Viscous Neutrals—No. 3 Color Viscosity at 70° Fahrenheit:	
200 Viscosity (180 at 100°) 420-425 Flash Point:	
0 pour test.....	40.5
10 pour test.....	39.5
15 pour test.....	38.5
25 pour test.....	33.0
150 Viscosity (143 at 100°) 400-405 Flash Point:	
0 pour test.....	38.5
10 pour test.....	37.5
15 pour test.....	36.5
25 pour test.....	31.0

(5) *Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux.*

Maximum prices for roofing flux f. o. b. refinery

	Price per ton
For refineries within 100 miles of the Atlantic coastline.....	\$12.25
For refineries in Chicago, Ill., and within a 50 mile radius of the corporate limits of Chicago, Ill.....	10.00
For refineries in St. Louis, Mo., and within a radius of 50 miles of the corporate limits of St. Louis, Mo.....	8.25
For refineries in Ohio and within 50 miles south of the southern boundary of Ohio.....	11.75
For refineries in Kansas City, Mo., and within a radius of 50 miles of the corporate limits of Kansas City, Mo.....	10.00
For refineries within 150 miles of the coastline of the Gulf of Mexico.....	11.10
For refineries in California, Washington, Oregon, Nevada, and Idaho on shipments to destinations in those states.....	7.25

For delivery to destinations other than in California, Washington, Oregon, Nevada and Idaho the maximum price for each refinery not located in the areas described above shall be not in excess of 75 cents per ton above the highest f. o. b. refinery price applicable to deliveries from such refinery to the given destination during January 1941 on contracts effective during that month.

Roofing asphalt. The maximum prices for each seller of roofing asphalt shall be at no greater differential over the maximum prices determined above for roofing flux than the differentials which were in effect on January 1, 1941.

Paving asphalt, cut-back asphalt, asphalt emulsions and road oils. Maximum prices for paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination shall be no higher than the weighted average of the prices provided in the three contracts of sale (or sales if not preceded or accompanied by contracts of sale), governing the largest volume made between July 1, 1941, and October 15, 1941, for a product of like specifications and quality shipped to the same destination.

Should there have been only two such contracts of sale or sales of paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination during this period, the maximum price for any such subject shall be the average of the two sales of such product to the given destination. Should there have been only one sale of a given product for shipment to a given destination, the price on such sale shall be the maximum price for shipment of a given product to the given destination.

Where a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding two paragraphs, the maximum price shall be the price of the last contract made prior to October 15, 1941, but not before July 1, 1941, pursuant to open or public bidding, for shipment to that destination of a product of substantially the same quality.

When a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding three paragraphs, the maximum price shall be computed upon the basis of the preceding three paragraphs, as if the sale were made for delivery to the destination nearest to the particular destination involved (nearest in terms of freight cost to the seller) and appropriate adjustments to reflect difference in freight costs to the seller shall be made.

[Subparagraph (5) added by amendment February 9, 1942, effective February 10, 1942; 7 F.R. 934]

Issued this 2d day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1316—COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 89—BED LINENS

Stable operation of the cotton textile industry is essential to the production of commodities necessary for the successful prosecution of the war and to the largest possible flow of goods to civilian consumers. The past several months have seen a rapid advance in the price of bed linens. Largely responsible for this inflationary trend have been the greatly expanded demand for bed linens resulting from increased consumer income and the heavy purchases of such goods for use by the military forces. The increase has not been justified on the basis of increased costs of materials and production, save to a negligible extent. In order to remedy the effects of the inflationary trend, and to insure stability of the price structure it is necessary that maximum prices be established for bed linens.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed:

§ 1316.101 *Maximum prices for bed linens.* (a) On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer bed linens, and no person shall buy, offer to buy, or accept delivery of bed linens at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1316.111.

(b) The provisions of Price Schedule No. 89 (§§ 1316.101 to 1316.111, inclusive) are not applicable:

(1) To sales or deliveries of bed linens made by any wholesaler, jobber or retailer in the performance of a recognized distributive function: *Provided*, That except in accordance with subparagraph (2) hereof, sales and deliveries of bed linens by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices;

(2) To sales or deliveries of brown sheeting to a manufacturer, converter,

or finisher for further processing prior to resale.*

* §§ 1316.101 to 1316.111, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.102 *Less than maximum prices.* Lower prices than those set forth in § 1316.111, Appendix A, may be charged, demanded, paid or offered.*

§ 1316.103 *Evasion.* (a) The price limitations set forth in Price Schedule No. 89 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of bed linens, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.111 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

§ 1316.104 *Records and reports.* Every person making purchases or sales of bed linens after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards or dozens of pieces of each type of bed linens purchased or sold; (b) the quantity in yards or dozens of pieces of each type of bed linens (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or dozens of pieces of each type of bed linens manufactured during each calendar month.

No bed linens shall be sold on or after March 2, 1942, unless each piece bears a label containing:

- (a) A statement of its type and size;
- (b) if the piece is a second, a statement of that fact; and
- (c) if the piece does not meet the minimum specifications set forth in Table I, the term "substandard."

Persons affected by Price Schedule No. 89 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.105 *Details required in contract of sale and invoice.* (a) Every seller of bed linens shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of the bed linens sold including all details necessary to determine the applicable maximum price from Price Schedule No. 89; and where, in conformity with Price Schedule No. 89, a premium is charged or

¹ Issued: 7 F.R. 718. Amended: 7 F.R. 821, 906. Corrected: 7 F.R. 822. Amended: 7 F.R. 934..

deduction made, the feature of the goods for which such premium is allowed or deduction required; and (3) the discount required by Price Schedule No. 89 for prompt payment.

(b) Every seller of bed linens shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by (a) above or make reference to the contract in which such information is set forth.*

§ 1316.106 *Affirmations of compliance.* On or before March 10, 1942, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold bed linens, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 189:1, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 89 or with any exception therefrom or modification thereof. Copies of Form 189:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form, and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1316.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 89, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 89, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 89; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 89 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 89. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of bed linens, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1316.08 *Modification of Price Schedule No. 89.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 89 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be

considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 89.*

§ 1316.109 *Definitions.* When used in Price Schedule No. 89 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Bed linens" means finished sheets, finished pillow cases, finished bolster cases and shall include both brown sheeting and bleached sheeting: *Provided*, That the term "bed linens" shall include only goods made of cotton and shall not include any goods made entirely of combed yarn.

(c) "Brown sheeting" means grey sheeting put up on boards, doubled and rolled which is sold for use by the ultimate consumer without further processing.

(d) "For export" means to a person outside the United States, its territories and possessions.*

§ 1316.110 *Effective date of Price Schedule No. 89.* This Schedule (§§ 1316.101 to 1316.111, inclusive) shall become effective February 2, 1942.*

§ 1316.111 *Appendix A: Maximum prices for bed linens—(a) Terms of sale.* The maximum prices set forth in this Appendix are prices f. o. b. the seller's point of shipment. The prices are gross prices and include commissions and all other charges; they must be discounted as provided in subparagraph (1) of paragraph (d).

(b) *Determination of maximum price.* The maximum price (expressed in terms of a percentage discount from the base prices listed in Table II below) for any offer to buy or sell, sale or contract of sale, delivery or transfer of bed linens, shall be determined pursuant to Table III of paragraph (c), subject to the provisions of paragraph (d), in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price¹ of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 89;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*² By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of

¹ The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 1½-inch cotton on ten designated spot markets.

² This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after February 2, 1942.

any change in the spot cotton price subsequent thereto.

(c) *Maximum price tables.*

TABLE I—Key to types of bed linens listed in Table II¹

Specifications ²	Type 180 ³	Type 140	Type 128	Type 112
Thread count per square inch (unbleached).....	180	140	128	112
Weight per square yard (ounces).....	3.6	4.0	4.0	3.7
Tensile strength (pounds):				
Warp.....	60	70	55	45
Filling.....	70	70	55	45
Selvage.....	Tape	Tape	Tape	Tape
Plain hems (total for both ends) ⁴	4"	4"	4"	4"
Stitches per inch ⁴	14	14	14	14
Added sizing (maximum) ⁴	4%	4%	6%	10%

¹ This table states minimum specifications (except for added sizing) for each type.

² In any instance in which the buyer or seller is in doubt as to whether bed linens meet the stated specifications, such bed linens shall be tested by Federal test method CCC-1-191A. The unit for such testing shall be the case, or its equivalent, which shall include not more than twenty dozen sheets or fifty dozen pillow cases. Each case of the goods in respect to which such doubt exists shall be tested separately. In the event of failure to meet minimum specifications for any given type as set forth in Table I, the goods shall be deemed substandard and the applicable maximum price shall be determined pursuant to subparagraph (3) of paragraph (d).

³ Bed linens having a finished thread count of less than 175 shall not be classified as Type 180 regardless of whether they meet all other specifications of that type.

⁴ Not applicable to brown sheeting.

⁵ Not applicable to bleached sheeting.

TABLE II—Base prices for bed linens

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112
Cents per yard			
Brown Sheetings:			
42" width.....	22	17	14
45" width.....	24	18.5	15
48" width.....	26	20.5	16
54" width.....	30	23	18
63" width.....	34	26.5	21
72" width.....	38	29.5	25
81" width.....	42	32.5	28
90" width.....	46	36	31
99" width.....	50	40	35
108" width.....	58	46.5	-----
Bleached Sheetings:			
42" width.....	24	18.5	15
45" width.....	26	20.5	16
50" width.....	30	23	18
54" width.....	34	26.5	21
63" width.....	38	29.5	25
72" width.....	42	32.5	28
81" width.....	46	36	31
90" width.....	50	40	35
99" width.....	58	46.5	-----
Dollars per dozen			
Sheets: ¹			
42" x 64".....	-----	5.20	-----
42" x 72".....	7.01	5.69	-----
45" x 64".....	6.80	5.62	-----
45" x 72".....	7.49	6.17	-----
45" x 75".....	7.75	6.38	-----
50" x 72".....	8.42	6.77	-----
50" x 75".....	8.75	7.00	-----
50" x 90".....	10.50	8.40	-----
54" x 72".....	9.41	-----	-----
54" x 75".....	9.75	-----	-----
54" x 90".....	11.70	9.45	7.80
54" x 99".....	12.72	10.25	8.43
54" x 108".....	13.74	11.04	9.09
54" x 113".....	14.30	-----	-----
63" x 99".....	12.80	10.35	9.00
63" x 108".....	14.04	11.24	9.75
63" x 113".....	15.18	12.12	10.60
63" x 113".....	15.81	-----	-----

The base price for bed linens differing in any dimension from those listed herein shall be: (a) in the case of brown or bleached sheeting, the base price provided herein for such sheeting of the nearest inferior width; and (b) in the case of sheets, pillow cases or bolster cases, the base price provided herein for such goods of the nearest inferior area.

¹ The dimensions stated herein indicate length prior to hemming.

TABLE II—Base prices for bed linens—
Continued

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112
	Dollars per dozen		
Sheets—Continued.			
72" x 90"	14.10	11.25	9.90
72" x 99"	15.38	12.23	10.74
72" x 108"	16.62	13.20	11.53
72" x 113"	17.32		
81" x 90"	15.30	12.30	10.50
81" x 99"	16.68	13.38	11.73
81" x 108"	18.06	14.46	12.66
81" x 113"	18.82		
90" x 90"	16.50	13.50	12.00
90" x 99"	18.00	14.70	13.05
90" x 108"	19.50	15.90	14.10
90" x 113"	20.33		
100" x 108"	22.33		
100" x 113"	23.34		
Pillow Cases: ¹			
28" x 21"	1.87		
36" x 36"	3.27	2.70	
42" x 36"	3.65	2.97	2.55
42" x 38 1/2"	3.83	3.12	2.68
42" x 40 1/2"	3.99	3.25	
45" x 36"	3.87	3.21	2.67
45" x 38 1/2"	4.09	3.38	2.80
45" x 40 1/2"	4.26	3.52	
50" x 36"	4.35	3.51	
50" x 38 1/2"	4.60	3.70	
50" x 40 1/2"	4.80	3.86	
54" x 36"	4.83	3.93	
54" x 38 1/2"	5.11	4.15	
54" x 40 1/2"	5.34	4.32	
Bolster Cases: ³			
42" x 54"	5.57		
42" x 60"	6.05		
42" x 63 1/2"	6.34		
42" x 72"	7.01	5.69	4.85
42" x 76 1/2"	7.37	5.96	
45" x 72"	7.49	6.17	5.09
45" x 76 1/2"	7.88	6.40	

¹ The dimensions stated herein indicate length prior to hemming.

TABLE III—Maximum prices for manufacturers, converters or finishers

(Percentage discounts from base prices in table II)

Spot cotton price (cents per pound)	Type 180	Type 140	Type 128	Type 112
14.34 to 14.88	17.4	20.5	18	15.5
14.89 to 15.43	16.6	19.5	17	14.5
15.44 to 15.98	15.8	18.5	16	13.5
15.99 to 16.53	15.0	17.5	15	12.5
16.54 to 17.08	14.2	16.5	14	11.5
17.09 to 17.63	13.4	15.5	13	10.5
17.64 to 18.18	12.6	14.5	12	9.5
18.19 to 18.73	11.8	13.5	11	8.5
18.74 to 19.28	11.0	12.5	10	7.5
19.29 to 19.83	10.2	11.5	9	6.5
19.84 to 20.38	9.4	10.5	8	5.5

(d) **Deductions and premiums.**⁴ (1) The maximum prices set forth in paragraph (c) shall be discounted (i) where payment is made within 10 days of delivery by three per cent; and (ii) where payment is made within the next 60 days by two per cent;

(2) For seconds of all types of bed linens, the price shall be discounted by ten per cent.

(3) For bed linens which fail to meet the specifications as to weight set forth in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified weight by which such bed linens are deficient.

For bed linens which fail to meet the specifications as to tensile strength set forth in Table I, either as to warp or filling, the price of the particular type

shall be discounted by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the warp and by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the filling is deficient.

For bed linens which contain added sizing in excess of the applicable maximum, prescribed in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof by which the sizing contained in such bed linens exceeds the prescribed maximum.

(4) In addition to the maximum prices set forth in paragraph (c) the following premiums may be charged or paid for pieces which are hemstitched or scalloped. For any piece which is both hemstitched and scalloped, both premiums may be charged or paid.

Piece	Hemstitched	Scalloped
	Dollars per dozen	
Bolster cases	2.50	2.50
Bed Sheets (54 x 75 or larger)	2.50	2.50
Pillow Cases	1.25	1.25
Bed Sheets (smaller than 54 x 75)	1.25	1.25

(5) Application may be made by any buyer or seller to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraph (c), a premium for bed linens for which, because of special construction or special physical properties involving added production costs, a premium has been charged prior to the effective date of Price Schedule No. 89.

(6) In addition to the maximum prices set forth in paragraph (c), a seller may charge for bed linens sold for export⁵ a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.*

Issued this 2d day of February 1942.*

LEON HENDERSON,
Administrator.

PART 1401—SYNTHETIC TEXTILE PRODUCTS REVISED PRICE SCHEDULE NO. 90—RAYON WASTE

The state of war existing between this country and the Axis nations makes it imperative that steps be taken to protect the civilian population against increases in the cost of clothing and other primary requirements. Hostilities in the Pacific have raised the possibility of interference with the free flow of wool from foreign countries. At the same time the wool requirements of the armed forces will be considerably increased. This combination of circumstances would, unless forestalled, result in a bidding up of the prices of raw wool substitutes such as

rayon waste. As a measure of public interest it becomes necessary to establish maximum prices for such materials.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1401.51 **Maximum prices for rayon waste.** On and after February 3, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer rayon waste, and no person shall buy, offer to buy, or accept delivery of rayon waste at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1401.59 and 1401.60.*

* §§ 1401.51 to 1401.60 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 FR. 1917, 4483.

§ 1401.52 **Less than maximum prices.** Lower prices than those set forth in §§ 1401.59 and 1401.60, Appendices A and B, may be charged, demanded, paid or offered.*

§ 1401.53 **Evasion.** The price limitations set forth in Price Schedule No. 90 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of rayon waste, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or by upgrading or otherwise.*

§ 1401.54 **Records and reports.** Every person making purchases or sales of rayon waste after February 3, 1942, aggregating 20,000 pounds or more in any calendar month shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold.

Persons affected by Price Schedule No. 90 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1401.55 **Enforcement.** In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 90, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 90, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 90, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 90 which may be regarded as grounds for the revocation of licenses and permits; and

*The percentages stated in this paragraph are percentages of the applicable maximum prices expressed in terms of dollars and cents.

*See § 1316.109 for definition of "for export."

*Issued: 7 F.R. 715,

(d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 90.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of rayon waste or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1401.56 *Modification of Price Schedule No. 90.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 90 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 90.*

§ 1401.57 *Definitions.* When used in Price Schedule No. 90, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Rayon waste" means the kinds and grades of rayon waste enumerated in Appendices A and B hereof (§§ 1401.59 and 1401.60);

(c) "Producer" means a manufacturer of continuous filament rayon yarns or staple fiber.*

§ 1401.58 *Effective date.* Price Schedule No. 90 (§§ 1401.51 to 1401.60, inclusive) shall become effective on February 3, 1942.*

§ 1401.59 *Appendix A: Maximum prices for producers' rayon waste.* The prices set forth below are maximum prices for rayon waste produced by manufacturers of continuous filament rayon yarns or staple fiber, net weight basis.

The maximum prices shall include all commissions and other charges except as provided below.

Grades	Price per lb. f. o. b. ship- ping point
Bleached lustrous open waste, extra coarse ¹	\$.24
Bleached lustrous open waste, coarse ².....	.22
Bleached lustrous open waste, semi-coarse ³.....	.20
Bleached dull open waste, semi-coarse.....	.20
Bleached semi-dull open waste, similar coarse.....	.20
Bleached lustrous open waste, fine ⁴.....	.18
Bleached dull open waste, fine.....	.18
Bleached semi-dull open waste, fine.....	.18
Undesulphured open waste.....	.19
Unbleached ⁵ open waste, extra coarse and coarse.....	.2250
Unbleached open waste, semi-coarse ².....	.19
Unbleached open waste, fine.....	.18
Unbleached open waste, mixed fine and coarse.....	.19
Bleached lustrous coarse threads.....	.20
Bleached lustrous semi-coarse threads.....	.1750
Bleached dull semi-coarse threads.....	.1750
Bleached semi-dull semi-coarse threads.....	.1750
Bleached lustrous fine threads.....	.1650
Bleached dull fine threads.....	.1650
Bleached semi-dull fine threads.....	.1650
Bleached mixed fine and coarse threads, lustrous or dull.....	.1650

Grades	Price per lb. f. o. b. ship- ping point
Unbleached threads, mixed fine and coarse.....	\$.1775
Unbleached threads, semi-coarse.....	.1750
Undesulphured threads.....	.1750
Staple fiber waste ⁶.....	.15
Mixed open and thread waste, fine.....	.1650
Mixed open and thread waste, coarse.....	.22
Bleached and unbleached, fine semi-coarse.....	.1650

¹ "Extra Coarse" when used in this Appendix means rayon filaments over eight denier.

² "Coarse" when used in this Appendix means rayon filaments five denier and over, but not more than eight denier.

³ "Semi-coarse" when used in this Appendix means rayon filaments two and a half denier and over, but less than five denier.

⁴ "Fine" when used in this Appendix means rayon filaments less than two and a half denier.

⁵ "Unbleached" when used in this Appendix means washed or desulphured whether lustrous, semi-dull or dull.

⁶ "Staple Fiber Waste" when used in this Appendix means the waste that occurs during the manufacture of staple fiber and has no uniform lengths.

Premiums for sales by persons other than producers. The maximum prices for sales by persons other than producers shall be the maximum prices set forth above plus an amount equal to 6% of the applicable maximum price.*

[§ 1401.59 as amended February 10, 1942, effective February 11, 1942; 7 F.R. 954]

§ 1401.60 *Appendix B: Maximum prices for rayon tops and rayon nolls.* The prices set forth below are maximum prices for rayon tops and rayon nolls in cents per pound, net weight basis.

The maximum prices shall include all commissions and other charges.

Rayon tops ¹	Price per lb. f. o. b. shipping point
Rayon waste tops ²	\$.40
Staple fiber tops ³	
Lustrous 5½ denier, any length staple.....	.40
Dull 5½ denier, any length staple.....	.42
Lustrous 3 denier, any length staple.....	.42
Dull 3 denier, any length staple.....	.44
Rayon nolls ⁴	
Rayon Waste nolls ⁵.....	.22
Staple fiber nolls	
Lustrous 5½ denier, any length staple.....	.2050
Dull 5½ denier, any length staple.....	.2050
Lustrous 3 denier, any length staple.....	.2050
Dull 3 denier, any length staple.....	.2050

¹ "Rayon Tops" means a continuous sliver in balls of approximately ten pounds each made from rayon waste or rayon staple fiber.

² "Rayon Waste Tops" means tops made from viscose processed rayon waste, lustrous or dull.

³ "Staple Fiber Tops" means tops made from viscose process staple fiber.

⁴ "Rayon Nolls" means the short fibers that are combed out during the process of making tops.

⁵ "Rayon Waste Nolls" means nolls made from viscose processed rayon waste, lustrous or dull.*

⁶ Corrected: 7 F.R. 822, February 7, 1942.

Issued this 3d day of February 1942.*

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS REVISED PRICE SCHEDULE NO. 91—TEA

Wholesale prices of tea, which had remained fairly stable during the four months previous to the outbreak of war on December 7, 1941, have increased sharply since that date. This increase has occurred in spite of substantial stocks of tea in the United States and continued large imports after the outbreak of war. The primary cause of the price rise has been a speculative markup of inventories by importers and brokers in anticipation of a shortage of shipping space available for tea. Studies made by this Office show that the prices prevailing from October 1 to October 15, 1941, are fair and equitable to producers and consumers and, in view of the actual cost of tea on hand in this country, form a satisfactory basis for trading. The establishment of maximum prices at this level will, therefore, remove unfair speculative profits, achieve price stability, and prevent further unwarranted price increases.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 91, appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.251 *Maximum prices for tea.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, except as provided in section 1351.254 hereof, no person shall sell, offer to sell, deliver, or transfer tea, and no person shall buy, offer to buy, or accept delivery of tea at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.261.*

*§§ 1351.251' to 1351.261, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.252 *Exempt sales.* Sales at retail, sales of less than chest lots, and sales of tea, blended or unblended, in one pound or smaller packages, shall be excepted from the operation of Price Schedule No. 91.*

§ 1351.253 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 91 may be charged, demanded, paid or offered.*

§ 1351.254 *Permission to carry out contracts entered into prior to February 3, 1942.* Any person who, prior to February 3, 1942, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of tea, at prices higher than the maximum prices established by Price Schedule No. 91, may make application in a sworn statement to the Office of Price Administration for permission to deliver such tea at its actual cost. Such statement shall certify (a) the name and address of the buyer and seller; (b) the quantity, type and grade of tea involved; (c) the cost of that tea to the applicant; (d) the price contracted for with the buyer; and (e) the delivery date provided for in the contract. Permission will be granted only when necessary to protect the applicant against loss in the disposi-

tion of inventory acquired prior to February 3, 1942 at prices higher than the established maximum prices and held by the applicant on that date. Such application must be filed with the Office of Price Administration on or before February 17, 1942. No permission will be granted, in any case, to make delivery of tea on or after April 1, 1942 at prices higher than the established maximum prices.*

§ 1351.255 *Evasion.* The price limitations set forth in Price Schedule No. 91 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of tea, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.256 *Records and reports.* (a) All persons who have received deliveries of tea under contracts of sale entered into after October 15, 1941, at prices higher than the maximum prices established by Price Schedule No. 91, shall report the quantity and cost of such receipts to the Office of Price Administration on or before February 24, 1942.

(b) Every person making purchases or sales of tea on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 91 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.257 *Modification of Price Schedule No. 91.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 91 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 91.*

§ 1351.258 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 91, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 91, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 91 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement

services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 91. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of tea, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.258 *Modification of Price Schedule No. 91.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 91 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 91.* [Same as § 1351.257]

§ 1351.259 *Definitions.* When used in Price Schedule No. 91 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no packer, blender, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting the tea into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for "first month."*

§ 1351.260 *Effective date of Price Schedule No. 91.* This Schedule (§§ 1351.251 to 1351.261, inclusive) shall become effective on February 7, 1942.*

§ 1351.261 *Appendix A: Maximum prices for tea.* (a) The maximum prices shall include all commissions and all other charges except that increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941, shall be subtracted from the maximum prices.

(b) The maximum prices for tea shall be those listed below. All maximum prices are subject to three per cent discount for payment within thirty days.

	Cents per pound, ex warehouse New York City		
	Common	Medium	Fine
INDIA			
Broken Orange Pekoe.....	44	48	55
Orange Pekoe.....	44	49	53
Pekoe.....	42	46	52
CETLON			
Broken Orange Pekoe.....	48	52	62
Orange Pekoe.....	49	53	60
Pekoe.....	47	51	60
JAVA			
Broken Orange Pekoe.....	42	44	53
Orange Pekoe.....	43	45	53
Pekoe.....	43	45	52

The maximum prices for tea imported from any other country or for grades of better or inferior quality not named shall be the prices at which sales of those grades were made in New York on October 15, 1941, or in the event no such sale was made on that date, the prices at which sales of the corresponding grades were last made prior to October 15, 1941, in that city.

(c) The maximum prices quoted above are ex warehouse New York City. The maximum prices ex warehouse any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any tea sold ex dock rather than ex warehouse New York City or any other port of entry, the cost of "putting the tea into the warehouse" as defined in § 1351.259 shall be subtracted from the ex warehouse price by the sellers.

(e) The delivered price for tea shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination.*

Issued this 3d day of February 1942.*

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 92—SOY BEAN AND PEANUT OILS

The outbreak of war has led to sharp increases in the prices of soy bean and peanut oils. The recent heavy buying movement has added to the danger of inflationary price spiralling and makes it necessary that steps be taken to control prices of these important oils. The prices of soy bean oil specified herein are based on levels prevailing on October 1, 1941, with upward adjustment to conform with prices of competing oils and for other relevant factors. Peanut oil prices are based on levels prevailing October 1, 1941.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 92 appropriate action will be taken by this Office. Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.301 *Maximum prices for soy bean and peanut oils.* (a) On and after February 4, 1942, no person shall sell, offer to sell, deliver, or transfer soy bean or peanut oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941 providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) (1) For any kind, grade, or quality of soy bean or peanut oil the maximum

*Issued: 7 F.R. 757.

price shall be the highest price at which the seller sold such kind of soy bean or peanut oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of soy bean or peanut oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941: *Provided*, That in determining the maximum price for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(3) If the maximum price cannot be determined under either paragraph (b) (1) or (b) (2), the maximum price shall be the price at which such kind of soy bean or peanut oil of the same grade or quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(4) If the maximum price cannot be determined under paragraph (b) (1), (b) (2) or (b) (3), the maximum price shall be the price at which such kind of soy bean or peanut oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made, making adjustments for the customary differential between the price in such market and the price in the locality of the seller's shipping point.

(5) If the maximum price determined under the above subparagraphs is less than 111 percent of the price at which the same kind of soy bean or peanut oil of the same grade and quality was sold by the seller or was sold in the locality of the seller's shipping point, or in the nearest market as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 percent of such November 26 price.

(c) The maximum price for both domestic and imported soy bean and peanut oils determined under paragraph (b) shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

(d) The maximum prices established by Price Schedule No. 92 for soy bean and peanut oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on

October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation. Increases in such charges may be added only if such charges have been actually incurred by the seller on such sales. Decreases in such charges shall be subtracted from the maximum prices established by Price Schedule No. 92.*

*§§ 1351.301 to 1351.309, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.302 *Exempt sales.* Sales of refined soy bean or peanut oils through wholesale and retail channels and directly to the baking, restaurant, hotel, and other cooking trades are exempt from the operation of Price Schedule No. 92.*

§ 1351.303 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 92 may be charged, demanded, paid or offered.*

§ 1351.304 *Evasion.* The price limitations set forth in Price Schedule No. 92 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of soy bean or peanut oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.305 *Records and reports.* Every person making any sale of soy bean or peanut oils on and after December 13, 1941, except sales exempted under § 1351.151a, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality and amount sold.

Every person affected by Price Schedule No. 92 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.306 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 92, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 92, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 92; (c) that full advantage will be taken of the co-operation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 92 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government

are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 92. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of soy bean or peanut oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.307 *Modification of Price Schedule No. 92.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 92 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 92.*

§ 1351.308 *Definitions.* When used in Price Schedule No. 92, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Soybean and peanut oils" means crude and refined oils, their by-products and derivatives;

(c) "Refined soybean or peanut oils" means those soybean and peanut oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, salad oil, and oils used for the technical and protective coating trades.

(d) In the phrase "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.*

§ 1351.309 *Effective date of Price Schedule No. 92.* This Schedule (§ 1351.301 to 1351.309, inclusive) shall become effective on February 4, 1942.*

Issued this 3d day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1348—MERCURY

REVISED PRICE SCHEDULE NO. 93, MERCURY

Mercury is a material strategic to the national defense and essential for important civilian purposes. The price of mercury has risen to excessive and unwarranted levels, resulting in increased prices for other commodities of which mercury is a component. After full investigation and after consultation with representatives of the industry it has been determined that the establishment of maximum prices for mercury is necessary in the interest of the national defense and the public welfare.

¹ Issued: 7 F.R. 758.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1348.1 *Maximum prices for mercury.* On and after February 4, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer mercury, and no person shall buy, offer to buy, or accept delivery of mercury, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1348.9.*

*§§ 1348.1 to 1348.9, inclusive, issued pursuant to authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1348.2 *Less than maximum prices.* Lower prices than those set forth in § 1348.9, Appendix A, hereof may be charged, demanded, paid or offered.*

§ 1348.3 *Evasion.* The price limitations set forth in Price Schedule No. 93 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of mercury, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1348.4 *Records and reports.* (a) On and after February 4, 1942, every person making purchases or sales of mercury or acting as a broker or other intermediary in the purchase or sale of mercury shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the name and address of the other party or parties to the transaction, the date thereof, the quantity, the price, and other terms of sale and shipment and (2) as of the close of each month, the quantity of mercury (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Every person affected by Price Schedule No. 93 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1348.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 93, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 93, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 93, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 93 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 93. Per-

sons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1348.6 *Modification of Price Schedule No. 93.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 93 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 93.*

§ 1348.7 *Definitions.* When used in Price Schedule No. 93, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Mercury" includes prime virgin mercury, and all other kinds and grades of mercury.*

§ 1348.8 *Effective date.* The Schedule (§§ 1348.1 to 1348.9, inclusive) shall become effective February 4, 1942.*

§ 1348.9 *Appendix A: Maximum prices for prime virgin mercury*¹—(a) *Maximum base prices.* (1) The maximum base price for prime virgin mercury produced in California, Oregon, Washington, Idaho, Utah, Nevada, or Arizona shall be \$191.00 per 76-pound flask, f. o. b. point of shipment.

(2) The maximum base price for prime virgin mercury produced outside the continental United States and Mexico, and entering the United States through Pacific Coast ports of entry shall be \$191.00 per 76-pound flask, f. o. b. port of entry.

(3) The maximum base price for prime virgin mercury produced in Texas and Arkansas shall be \$193.00 per 76-pound flask, f. o. b. point of shipment.

(4) The maximum base price for prime virgin mercury imported from Mexico shall be \$193.00 per 76-pound flask, f. o. b. the freight station in the United States at or nearest to the point on the boundary at which the shipment enters the United States, duty, if any, included.

(b) *Sales by dealers.* (1) A dealer, regularly engaged in the business of buying and selling prime virgin mercury on his own behalf, may sell such mercury as he buys and to which he acquires title, at not more than a price equal to the applicable maximum base price set forth above, plus a premium of 2% thereof, plus the actual transportation charges paid or incurred by him: *Provided*, That, the applicable maximum base price, the premium, and the transportation charges are shown separately in invoicing and billing.

(2) From February 4, 1942, until March 2, 1942, any such dealer, who had mercury on hand, or in transit, on February 4, 1942, in order to meet a contract of sale made prior to February 4, 1942, may deliver such mercury in accordance with

¹The maximum prices herein established are for prime virgin mercury. All other kinds and grades of mercury shall be sold and bought at their normal differentials from such maximum prices.

the terms of such contract: *Provided*, That within 10 days after such delivery, the dealer shall submit to the Office of Price Administration, Washington, D. C., a verified statement, setting forth: (i) the name and address of the purchaser; (ii) the date on which the contract of sale was made; (iii) the form of the contract, i. e. oral, exchange of letters, order form, signed agreement, etc.; (iv) the quantity of mercury which the dealer had on hand, or in transit, on February 4, 1942; (v) the quantity of mercury delivered under the contract of sale after February 4, 1942, and the date or dates of such delivery; and (vi) the selling price.

[Paragraph (b) as amended, February 10, 1942, effective February 10, 1942; 7 F.R. 954]

(c) *Commissions for brokers and agents.* In the event that a consumer of prime virgin mercury shall use or employ a broker or agent to purchase such mercury for the consumer's use, the consumer may pay for such mercury a sum not exceeding the applicable maximum base price set forth above, plus a commission of not more than 1% of such maximum price. The commission shall be payable only if (a) the commission is shown as a separate charge in invoicing and billing, and (b) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the mercury.

Issued this 3d day of February 1942:*

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 94—WESTERN FINE LUMBER

Price Schedule No. 94 brings under a price ceiling Western pine lumber, the largest remaining section of the softwood lumber industry not previously regulated by a Price Schedule. It covers ponderosa pine, Idaho white pine, and sugar pine, which species account for approximately 21% of the total lumber production in the United States. Ponderosa, Idaho white, and sugar pine lumber are used in the manufacture of pine millwork and boxes, and for interior and exterior construction purposes, with a considerable degree of interchangeability. The lower grades of ponderosa and sugar pine are particularly well-adapted to the box market. In addition to the civilian demand for these woods both for building construction and for container purposes, particularly containers for agricultural products and canned goods, government buying, for use in cantonment construction purposes, as well as for boxes for armament and other war purposes, is becoming an increasingly important factor. A study of the Western pine industry reveals that the increase in prices has markedly outstripped cost advances, and that a ceiling is necessary in order to halt the upward trend in prices. The prices set herein generally follow the levels existing during the period October 1-15, 1941, and have been found to be

*Issued: 7 F.R. 764. Amended: 7 F.R. 954.

high enough to bring out the full volume of production called for by present needs. However, the schedule is subject to revision if further study of the profits in this industry shows the need for a decrease or other change in the schedule prices.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.251 *Maximum prices for western pine lumber.* On and after February 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Western pine lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendices A, B and C hereof, incorporated herein as §§ 1312.260, 1312.261, and 1312.262 respectively: *Provided*, That in the case of retail sales as defined in § 1312.257 (f), where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than \$3.50 per 1,000 feet board measure may be added to the maximum prices set forth herein.*

*§§ 1312.251 to 1312.262, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.252 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B and C (§§ 1312.260, 1312.261 and 1312.262) may be charged, demanded, paid, or offered.*

§ 1312.253 *Evasion.* The price limitations set forth in Price Schedule No. 94 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Western pine lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on October 1, 1941, or by unnecessarily routing lumber through a distribution yard; or by unreasonably refusing to ship except in specified lengths or widths, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery except as provided in § 1312.258 hereof; or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

§ 1312.254 *Records and reports.* Every person who, during any calendar month, shall sell, deliver or transfer 34,000 pounds or more of Western pine lumber for shipment originating at the mill, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every sale, delivery or transfer of such lumber made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 94 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.255 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 94, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 94, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 94, and (c) that the procurement services of the Government are requested to refrain from purchasing Western pine lumber from those persons who fail to comply with Price Schedule No. 94.

Persons who have evidence of any offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade provisions hereof, or of speculation, or of manipulation of prices of Western pine lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.256 *Modification of Price Schedule No. 94.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 94 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 94.*

§ 1312.257 *Definitions.* When used in Price Schedule No. 94, the term:

(a) "Person" means an individual, association, partnership, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Western pine" includes ponderosa pine (*pinus ponderosa*), Idaho white pine (*pinus monticola*), and sugar pine (*pinus lambertiana*) produced in the states of Oregon, Washington, Idaho, California, and Montana.

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing, or by planing or other comparable method at least 25 per cent of the volume of Western pine logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives Western pine logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the vol-

ume of such logs or lumber so purchased or received by it.

(e) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to Price Schedule No. 94.

(f) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, maintenance, or fabrication, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck the maximum retail sale quantity shall be 20,000 feet board measure. For the purpose of this paragraph the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.

(g) "Deliver" means to make physical transfer of lumber to the purchaser, or to a carrier, not owned or controlled by the seller, for carriage to the purchaser to whom the lumber has been previously sold.

(h) Grade terms used herein have the meaning set forth in the Standard Grading Rules issued by the Western Pine Association, effective April 1, 1939.*

§ 1312.258 *Delivered prices.* A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendices A, B, and C (§§ 1312.260, 1312.261 and 1312.262) may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the computation of transportation costs on the basis of a system of estimated average weights established by the seller, and adhered to by him during the period October 1 to October 15, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to Price Schedule No. 94, or within thirty days of the effective date of Schedule No. 94.*

§ 1312.259 *Effective date of Price Schedule No. 94.* This Schedule (§§ 1312.251 to 1312.262, inclusive) shall become effective February 15, 1942.*

§ 1312.260 *Appendix A: Maximum prices for ponderosa pine lumber.* (a) The maximum prices f. o. b. mill per 1000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

Select Grades

	4/4 RL S2S or S4S	5/4 RL S2S	6/4 RL S2S	8/4 RL S2S	10/4 RL S2S	12/4 RL S2S	16/4 RL S2S
1 and 2 Clear (B and Better):							
Random widths 1 x 4 & up:							
3" Inc. Bd.	\$71.00	\$72.00	\$72.00	\$78.00	\$103.00	\$103.00	\$110.00
3" Inc. Bd.	69.00	70.00	70.00	76.00	101.00	101.00	108.00
3" Inc. Bd.	71.00	72.00	72.00	78.00	103.00	103.00	110.00
4" Inc. Bd.	65.00	66.00	66.00	72.00	97.00	97.00	103.00
4" Inc. Bd.	67.00	68.00	68.00	74.00	99.00	99.00	105.00
4" Inc. Bd.	69.00	70.00	70.00	76.00	101.00	101.00	108.00
4" Inc. Bd.	71.00	72.00	72.00	78.00	103.00	103.00	110.00
4" Inc. Bd.	73.00	74.00	74.00	80.00	105.00	105.00	112.00
4" Inc. Bd.	75.00	76.00	76.00	82.00	107.00	107.00	114.00
4" Inc. Bd.	77.00	78.00	78.00	84.00	109.00	109.00	116.00
4" Inc. Bd.	79.00	80.00	80.00	86.00	111.00	111.00	118.00
4" Inc. Bd.	81.00	82.00	82.00	88.00	113.00	113.00	120.00
4" Inc. Bd.	83.00	84.00	84.00	90.00	115.00	115.00	122.00
4" Inc. Bd.	85.00	86.00	86.00	92.00	117.00	117.00	124.00
4" Inc. Bd.	87.00	88.00	88.00	94.00	119.00	119.00	126.00
4" Inc. Bd.	89.00	90.00	90.00	96.00	121.00	121.00	128.00
4" Inc. Bd.	91.00	92.00	92.00	98.00	123.00	123.00	130.00
4" Inc. Bd.	93.00	94.00	94.00	100.00	125.00	125.00	132.00
4" Inc. Bd.	95.00	96.00	96.00	102.00	127.00	127.00	134.00
4" Inc. Bd.	97.00	98.00	98.00	104.00	129.00	129.00	136.00
4" Inc. Bd.	99.00	100.00	100.00	106.00	131.00	131.00	138.00
4" Inc. Bd.	101.00	102.00	102.00	108.00	133.00	133.00	140.00
4" Inc. Bd.	103.00	104.00	104.00	110.00	135.00	135.00	142.00
4" Inc. Bd.	105.00	106.00	106.00	112.00	137.00	137.00	144.00
4" Inc. Bd.	107.00	108.00	108.00	114.00	139.00	139.00	146.00
4" Inc. Bd.	109.00	110.00	110.00	116.00	141.00	141.00	148.00
4" Inc. Bd.	111.00	112.00	112.00	118.00	143.00	143.00	150.00
4" Inc. Bd.	113.00	114.00	114.00	120.00	145.00	145.00	152.00
4" Inc. Bd.	115.00	116.00	116.00	122.00	147.00	147.00	154.00
4" Inc. Bd.	117.00	118.00	118.00	124.00	149.00	149.00	156.00
4" Inc. Bd.	119.00	120.00	120.00	126.00	151.00	151.00	158.00
4" Inc. Bd.	121.00	122.00	122.00	128.00	153.00	153.00	160.00
4" Inc. Bd.	123.00	124.00	124.00	130.00	155.00	155.00	162.00
4" Inc. Bd.	125.00	126.00	126.00	132.00	157.00	157.00	164.00
4" Inc. Bd.	127.00	128.00	128.00	134.00	159.00	159.00	166.00
4" Inc. Bd.	129.00	130.00	130.00	136.00	161.00	161.00	168.00
4" Inc. Bd.	131.00	132.00	132.00	138.00	163.00	163.00	170.00
4" Inc. Bd.	133.00	134.00	134.00	140.00	165.00	165.00	172.00
4" Inc. Bd.	135.00	136.00	136.00	142.00	167.00	167.00	174.00
4" Inc. Bd.	137.00	138.00	138.00	144.00	169.00	169.00	176.00
4" Inc. Bd.	139.00	140.00	140.00	146.00	171.00	171.00	178.00
4" Inc. Bd.	141.00	142.00	142.00	148.00	173.00	173.00	180.00
4" Inc. Bd.	143.00	144.00	144.00	150.00	175.00	175.00	182.00
4" Inc. Bd.	145.00	146.00	146.00	152.00	177.00	177.00	184.00
4" Inc. Bd.	147.00	148.00	148.00	154.00	179.00	179.00	186.00
4" Inc. Bd.	149.00	150.00	150.00	156.00	181.00	181.00	188.00
4" Inc. Bd.	151.00	152.00	152.00	158.00	183.00	183.00	190.00
4" Inc. Bd.	153.00	154.00	154.00	160.00	185.00	185.00	192.00
4" Inc. Bd.	155.00	156.00	156.00	162.00	187.00	187.00	194.00
4" Inc. Bd.	157.00	158.00	158.00	164.00	189.00	189.00	196.00
4" Inc. Bd.	159.00	160.00	160.00	166.00	191.00	191.00	198.00
4" Inc. Bd.	161.00	162.00	162.00	168.00	193.00	193.00	200.00
4" Inc. Bd.	163.00	164.00	164.00	170.00	195.00	195.00	202.00
4" Inc. Bd.	165.00	166.00	166.00	172.00	197.00	197.00	204.00
4" Inc. Bd.	167.00	168.00	168.00	174.00	199.00	199.00	206.00
4" Inc. Bd.	169.00	170.00	170.00	176.00	201.00	201.00	208.00
4" Inc. Bd.	171.00	172.00	172.00	178.00	203.00	203.00	210.00
4" Inc. Bd.	173.00	174.00	174.00	180.00	205.00	205.00	212.00
4" Inc. Bd.	175.00	176.00	176.00	182.00	207.00	207.00	214.00
4" Inc. Bd.	177.00	178.00	178.00	184.00	209.00	209.00	216.00
4" Inc. Bd.	179.00	180.00	180.00	186.00	211.00	211.00	218.00
4" Inc. Bd.	181.00	182.00	182.00	188.00	213.00	213.00	220.00
4" Inc. Bd.	183.00	184.00	184.00	190.00	215.00	215.00	222.00
4" Inc. Bd.	185.00	186.00	186.00	192.00	217.00	217.00	224.00
4" Inc. Bd.	187.00	188.00	188.00	194.00	219.00	219.00	226.00
4" Inc. Bd.	189.00	190.00	190.00	196.00	221.00	221.00	228.00
4" Inc. Bd.	191.00	192.00	192.00	198.00	223.00	223.00	230.00
4" Inc. Bd.	193.00	194.00	194.00	200.00	225.00	225.00	232.00
4" Inc. Bd.	195.00	196.00	196.00	202.00	227.00	227.00	234.00
4" Inc. Bd.	197.00	198.00	198.00	204.00	229.00	229.00	236.00
4" Inc. Bd.	199.00	200.00	200.00	206.00	231.00	231.00	238.00
4" Inc. Bd.	201.00	202.00	202.00	208.00	233.00	233.00	240.00
4" Inc. Bd.	203.00	204.00	204.00	210.00	235.00	235.00	242.00
4" Inc. Bd.	205.00	206.00	206.00	212.00	237.00	237.00	244.00
4" Inc. Bd.	207.00	208.00	208.00	214.00	239.00	239.00	246.00
4" Inc. Bd.	209.00	210.00	210.00	216.00	241.00	241.00	248.00
4" Inc. Bd.	211.00	212.00	212.00	218.00	243.00	243.00	250.00
4" Inc. Bd.	213.00	214.00	214.00	220.00	245.00	245.00	252.00
4" Inc. Bd.	215.00	216.00	216.00	222.00	247.00	247.00	254.00
4" Inc. Bd.	217.00	218.00	218.00	224.00	249.00	249.00	256.00
4" Inc. Bd.	219.00	220.00	220.00	226.00	251.00	251.00	258.00
4" Inc. Bd.	221.00	222.00	222.00	228.00	253.00	253.00	260.00
4" Inc. Bd.	223.00	224.00	224.00	230.00	255.00	255.00	262.00
4" Inc. Bd.	225.00	226.00	226.00	232.00	257.00	257.00	264.00
4" Inc. Bd.	227.00	228.00	228.00	234.00	259.00	259.00	266.00
4" Inc. Bd.	229.00	230.00	230.00	236.00	261.00	261.00	268.00
4" Inc. Bd.	231.00	232.00	232.00	238.00	263.00	263.00	270.00
4" Inc. Bd.	233.00	234.00	234.00	240.00	265.00	265.00	272.00
4" Inc. Bd.	235.00	236.00	236.00	242.00	267.00	267.00	274.00
4" Inc. Bd.	237.00	238.00	238.00	244.00	269.00	269.00	276.00
4" Inc. Bd.	239.00	240.00	240.00	246.00	271.00	271.00	278.00
4" Inc. Bd.	241.00	242.00	242.00	248.00	273.00	273.00	280.00
4" Inc. Bd.	243.00	244.00	244.00	250.00	275.00	275.00	282.00
4" Inc. Bd.	245.00	246.00	246.00	252.00	277.00	277.00	284.00
4" Inc. Bd.	247.00	248.00	248.00	254.00	279.00	279.00	286.00
4" Inc. Bd.	249.00	250.00	250.00	256.00	281.00	281.00	288.00
4" Inc. Bd.	251.00	252.00	252.00	258.00	283.00	283.00	290.00
4" Inc. Bd.	253.00	254.00	254.00	260.00	285.00	285.00	292.00
4" Inc. Bd.	255.00	256.00	256.00	262.00	287.00	287.00	294.00
4" Inc. Bd.	257.00	258.00	258.00	264.00	289.00	289.00	296.00
4" Inc. Bd.	259.00	260.00	260.00	266.00	291.00	291.00	298.00
4" Inc. Bd.	261.00	262.00	262.00	268.00	293.00	293.00	300.00
4" Inc. Bd.	263.00	264.00	264.00	270.00	295.00	295.00	302.00
4" Inc. Bd.	265.00	266.00	266.00	272.00	297.00	297.00	304.00
4" Inc. Bd.	267.00	268.00	268.00	274.00	299.00	299.00	306.00
4" Inc. Bd.	269.00	270.00	270.00	276.00	301.00	301.00	308.00
4" Inc. Bd.	271.00	272.00	272.00	278.00	303.00	303.00	310.00
4" Inc. Bd.	273.00	274.00	274.00	280.00	305.00	305.00	312.00
4" Inc. Bd.	275.00	276.00	276.00	282.00	307.00	307.00	314.00
4" Inc. Bd.	277.00	278.00	278.00	284.00	309.00	309.00	316.00
4" Inc. Bd.	279.00	280.00	280.00	286.00	311.00	311.00	318.00
4" Inc. Bd.	281.00	282.00	282.00	288.00	313.00	313.00	320.00
4" Inc. Bd.	283.00	284.00	284.00	290.00	315.00	315.00	322.00
4" Inc. Bd.	285.00	286.00	286.00	292.00	317.00	317.00	324.00
4" Inc. Bd.	287.00	288.00	288.00	294.00	319.00	319.00	326.00
4" Inc. Bd.	289.00	290.00	290.00	296.00	321.00	321.00	328.00
4" Inc. Bd.	291.00	292.00	292.00	298.00	323.00	323.00	330.00
4" Inc. Bd.	293.00	294.00	294.00	300.00	325.00	325.00	332.00
4" Inc. Bd.	295.00	296.00	296.00	302.00	327.00	327.00	334.00
4" Inc. Bd.	297.00	298.00	298.00	304.00	329.00	329.00	336.00
4" Inc. Bd.	299.00	300.00	300.00	306.00	331.00	331.00	338.00
4" Inc. Bd.	301.00	302.00	302.00	308.00	333.00	333.00	340.00
4" Inc. Bd.	303.00	304.00	304.00	310.00	335.00	335.00	342.00
4" Inc. Bd.	305.00	306.00	306.00	312.00	337.00	337.00	344.00
4" Inc. Bd.	307.00	308.00	308.00	314.00	339.00	339.00	346.00
4" Inc. Bd.	309.00	310.00	310.00	316.00	341.00	341.00	348.00
4" Inc. Bd.	311.00	312.00	312.00	318.00	343.00	343.00	350.00
4" Inc. Bd.	313.00	314.00	314.00	320.00	345.00	345.00	352.00
4" Inc. Bd.	315.00	316.00	316.00	322.00	347.00	347.00	354.00
4" Inc. Bd.	317.00	318.00	318.00	324.00	349.00	349.00	356.00
4" Inc. Bd.	319						

Drainboard Stock

5/4 and 6/4, 1 and 2 Clear S2S Selected:
 20" and wider RW RL..... \$107.00
 22" and wider SW RL..... 122.00
 For Rough Deduct \$2.00.

Bevel Siding

		1/2" x 4"	1/2" x 6"	1/2" x 8"
B & Btr.....	3' & Longer.....	\$23.50	\$32.00	\$31.50
O.....	3' & Longer.....	23.00	30.50	30.00
D.....	3' & Longer.....	20.50	23.50	23.00
E.....	3' & Longer.....	16.00		16.50

B & Btr., O & D may contain 20% 3' to 8 1/2' in multiples of 6'.
 E Siding may contain up to 35% of 8 1/2' & shorter.
 Shorts when sold separately 8' and shorter in B and Btr., O & D, Deduct \$3.00.
 For 9' and longer add \$3.00.

Moulding Stock

4/4 RW RL S2S 4" and up..... \$43.00
 5/4 to 8/4 RW RL S2S..... 45.00
 For Rough: Deduct \$1.00.

Moulding & Better

[Product of log above #1 Shop producing 50% rip 10' and longer 2" width]

4/4 RW RL Rough, Dry..... \$51.00
 5/4 & Thicker RW RL Rough, Dry..... 55.00

Mill Run Box

[Product of log below No. 2 Shop as produced by the mill]

Rough 5/4, 6/4 & Thicker RL,
 Air Dried..... \$23.00
 S2S—Add to Rough..... 2.00
 4/4 Stock, Rough, Deduct from
 5/4..... 2.00
 Specified Widths..... No addition

Dimension

RL S1S1E HM 1 1/2" x Standard Widths or S4S HM 1 1/2" x Standard Widths Sealed as 2"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1 Dimension.....	\$28.00	\$27.00	\$26.50	\$27.00	\$27.00
No. 2 Dimension.....	25.00	24.00	24.00	24.00	24.00
No. 3 Dimension.....	18.50	17.50	17.50	17.50	17.50

Specified Lengths:
 14' and under 14'..... Add \$1.00 to RL.
 16'..... Add .50 to RL.
 18' & 20'..... Add 2.00 to RL.
 For Rough..... Deduct \$1.00.
 For 1 1/2" Dimension..... Add 1/4 to 1 1/2" prices.
 For 1 1/4" Dimension..... Add 1/4 to 1 1/4" prices.

Differentials and Rules Applicable to All Grades of Ponderosa Pine

Ordinary Resawing..... Add \$1.00
 Resawing and S2S, all grades, all rates..... Add 2.00
 Rippling, per rip..... Add 1.00
 Novelty-Saw Rippling..... Add 2.00
 Rippling and S4S..... Add 3.00
 Cross Cutting, per cut..... Add 1.00
 Cleating (ordinary)..... Add 1.50
 Bundling (ordinary)..... Add 1.00
 Bundling (export)..... Add 5.00
 4/4 and thicker stock dressed thicker than standard, for each 1/2"..... Add 1.00
 For stock run S4S wider than standard width (may be hit or miss)..... Add 1.00
 Standard Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), 8' or 10' Beveled Siding, all grades, to price of grade desired..... Add 7.50

All other patterns except those conforming to Association Standard Patterns..... Add \$2.50

All Standard patterns other than S2S or S4S except as noted above..... Add 2.00

Cutting to specified exact length..... Add 1.00

All stock shipped in inter-divisional stopover cars..... Add 1.00

Random lengths are 6 feet and longer, unless otherwise provided in list.

§ 1312.261 Appendix B: Maximum prices for Idaho white pine lumber.
 (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

Select grades

RL S2S or S4S Including Bundling 2" & 3"	1 x 2"	1 x 3"	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" & wider RW
B & Better.....	\$76.00	\$78.00	\$74.00	\$70.00	\$77.00	\$77.00	\$79.00	\$100.00	\$100.00
O Select.....	69.00	71.00	67.00	64.00	70.00	70.00	72.00	91.00	91.00
D Select.....	55.00	55.00	51.00	54.00	61.00	61.00	63.00	70.00	70.00

RL S2S Including Bundling 2" & 3"	5/4 x 2"	5/4 x 3"	5/4 x 4" or 5/4 x 4" & wider	5/4 x 5"	5/4 x 6"	5/4 x 8"	5/4 x 10"	5/4 x 12"	13" & wider RW
B & Better.....	\$89.00	\$91.00	\$87.00	\$85.00	\$87.00	\$90.00	\$93.00	\$105.00	\$105.00
O Select.....	79.00	81.00	77.00	85.00	77.00	80.00	85.00	95.00	95.00
D Select.....	69.00	71.00	65.00	75.00	67.00	70.00	75.00	85.00	85.00

Additions for thickness:
 B & Btr. & O S2S RL 6/4..... Add \$10.00 to 5/4 price.
 B & Btr. & C S2S RL 8/4..... Add \$20.00 to 5/4 price.
 6/4 D Select..... Same as 5/4 price.
 8/4 D Select..... Add \$5.00 to 5/4 price.

Specified lengths:
 4/4..... Net.
 8', 10', 12' & 14'..... Add \$10.00.
 16', 18', & 20'..... Add \$10.00.
 5/4 and thicker:
 16' and shorter..... Add \$5.00.
 18' & 20'..... Add \$10.00.
 6' when sold separately in quantity lots..... Deduct \$10.00 from RL.
 4/4 14' & shorter RL (when no 16' included)..... Deduct \$3.00.

Special Random Widths 5/4 & thicker S2S:
 6" & wider RW..... Add \$2.00 to 4" and wider price.
 8" & wider RW..... Add \$5.00 to 4" and wider price.
 Odd widths, 7", 9", & 11"..... Add \$1.00 to 8", 10" and 12" price, and so scaled.
 Rough, all thicknesses..... Deduct \$2.00.
 Stained selects..... Deduct \$5.00 from price of D select.

Short selects:
 4/4, 4" and wider, D & Btr. (35% 4")..... \$42.00.
 4/4, all 4"..... \$41.00.
 4/4, all 6"..... \$42.00.
 Select strips, 2" & 3", not bundled..... Deduct \$1.00.
 Random length may contain 5% shorter than 8' and 15' odd lengths.

Shop Lumber

RW and RL S2S	4/4	5/4	6/4	8/4
4/4 Shop Common.....	\$31.00			
No. 1 Shop.....		\$53.00	\$53.00	\$73.00
No. 2 Shop.....		37.00	37.00	42.00
No. 3 Shop.....		29.00	29.00	29.00

When sold as No. 3 & Better pile run on grade prices, deduct \$5.00 from the No. 1 Shop price and \$2.00 from the No. 2 Shop price.

Rough:
 4/4 Shop Common..... Deduct \$1.00
 5/4 & thicker, No. 1 Shop..... Deduct \$2.00
 5/4 & thicker, No. 2 or No. 3 Shop..... Deduct \$1.00

Bevel Siding—7/16" x 3/16" SM

3' and longer	1/2" x 4"	1/2" x 6"	1/2" x 8"
B & Btr.....	\$31.00	\$35.00	\$35.00
O.....	27.75	32.25	31.75
D.....	20.75	25.00	24.00
E.....	16.00		16.50

May contain odd lengths, and 20% 3' to 8 1/2' in multiples of 6', except that E siding may contain up to 35% of 8 1/2' ft. and shorter.

For all 9 ft. and longer add \$3.00:
 Short Siding 8' and shorter (when sold separately).
 Grade B & Btr., or O..... Deduct \$7.50
 Grade D..... Deduct 6.00

Common Boards

S4S or S2S RL	1 x 4" and wider	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" and wider: RW, S2S
No. 1 (Colonial) Common.....		\$46.00	\$46.00	\$42.00	\$44.00	\$49.50	\$70.00	\$75.00
No. 2 (Sterling) Common.....		43.00	42.00	40.00	40.50	41.00	45.00	74.00
No. 3 (Standard) Common.....		31.00	31.50	33.00	34.00	32.00	33.50	33.50
No. 3 Common Shorts (5' to 8' RL).....		\$27.00	24.00	27.00				
No. 4 (Utility) Common.....		25.00	22.00	25.00	27.00	27.00	27.00	
No. 4 Common Shorts (6' to 8' RL).....		20.50	19.00	20.50				
No. 5 (Industrial) Common.....		19.00	19.00	19.00	19.50	19.50	19.50	

Additions for thickness:

No. 1 Common:
 5/4, 6/4 & 8/4, RL or all 16'..... Add \$9.00 to 4/4 RL price.
 5/4, 6/4 & 8/4, specified lengths other than 16'..... Add \$14.00 to 4/4 RL price.
 5/4 x 5"..... Add \$1.00 to 5/4 x 10" price.

No. 2 Common, 5/4, 6/4 & 8/4:
 RL or all 16'..... Add \$7.00 to 4/4 RL price.
 Specified lengths other than 16'..... Add \$12.00 to 4/4 RL price.

Shop Lumber

	4 1/4 x 6" & wider	5 1/4 x 6" & wider	6 1/4 x 6" & wider	8 1/4 x 6" & wider	10 1/4 x 6" & wider	12 1/4 x 6" & wider	10 1/4 x 5" & wider
No. 3 Clear.....	\$45.00	\$63.00	\$83.00	\$80.00	\$95.00	\$100.00	\$110.00
No. 1 Shop.....	40.00	40.00	68.00	68.00	72.00	78.00	88.00
No. 2 Shop.....	37.00	36.00	43.00	43.00	55.00	60.00	61.00
No. 3 Shop.....	32.00	28.00	30.00	30.00	33.00	34.00	41.00
4/4 Shop Common R W.....							

Moulding Stock, and Moulding and Better

Moulding stock:
 4/4 RW & RL..... \$43.00 above #1 Shop (product of log rip 10" and longer 2" width):
 5/4 to 8/4 RW & RL..... 45.00 4/4 RW & RL Rough..... \$51.00
 For Rough Deduct \$1.00. 5/4 and thicker RW & RL Rough..... 55.00

Common Boards

	4/4	5/4	6/4	8/4	10/4	12/4	10/4
S2S, RL & RW.....							
No. 2 & Btr. Common.....	\$39.00	\$42.00	\$42.00	\$43.00	\$44.00	\$45.00	\$45.00
No. 3 Common.....	30.00	33.00	33.00	33.00	36.00	36.00	36.00

Mill Run Box

[Product of log below #2 Shop as produced by Mill]

Rough 5/4, 6/4 & thicker \$23.00.
 S2S..... Add \$2.00 to Rough.
 One-inch Stock..... Deduct \$2.00 from 5/4.
 Rough.....

Differentials for Widths

Narrow widths:
 2 1/2", & Less, S4S all grades.... Add \$3.00
 Random widths:
 4 to 7" (D Select & Btr. only) - Deduct 5.00
 10" & Wdr. (Shop & Btr.).... Add 5.00
 12 or 13" & Wdr. (Shop & Btr.).... Add 15.00
 14" & Wdr. (Shop & Btr.).... Add 20.00
 16" & Wdr. (Shop & Btr.).... Add 25.00
 18" & Wdr. (Shop & Btr.).... Add 30.00
 20" & Wdr. (Shop & Btr.) (except Drainboard Stock).... Add 35.00

Random widths—Continued:

22" & Wdr. (Shop & Btr.) (except Drainboard Stock).... Add \$45.00
 Additions for specified widths:
 4, 6, & 8" (D Select & Btr. only).... Net
 5, 7, & 10" (D Select & Btr. only).... Add 5.00
 12 & 13" (Shop & Btr.).... Add 15.00
 14 & 15" (Shop & Btr.).... Add 25.00
 16 & 17" (Shop & Btr.).... Add 30.00
 18 & 19" (Shop & Btr.).... Add 35.00
 20 & 21" (Shop & Btr.).... Add 45.00
 22" & Wdr. (Shop & Btr.).... Add 55.00
 Additions for specified lengths:
 4, 8' to 16' Select & Shop grades. 5/4 & thicker, 8' to 10' Select & Shop grades.... Add 5.00
 4, 8' to 16' Select & Shop grades. 6/4 & thicker, 8' to 10' Select & Shop grades.... Add 5.00
 4, 8' to 16' Select & Shop grades. 7/4 & thicker, 8' to 10' Common Grades.... Add 10.00
 4, 8' to 16' Select & Shop grades. 8/4 & thicker, 8' to 10' Common Grades.... Add 2.00

Dimension

	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
RL, S4S, 11 1/2" x Standard Widths or S4S 11 1/2" x Standard Widths Scaled at 2"					
No. 1 Dimension.....	\$23.00	\$27.00	\$30.00	\$37.00	\$37.00
No. 2 Dimension.....	21.00	24.00	24.00	21.00	21.00
No. 3 Dimension.....	18.50	17.50	17.50	17.50	17.50

Specified Lengths:

14' and under 14'..... Add \$1.00 to RL, 15' and 20'..... Add .50 to RL, 18' and 20'..... Add 2.00 to RL, For Rough..... Deduct 1.00, For 1 1/2" Dimension..... Add 1/4 to 19 1/2" prices, For 1 1/2" Dimension..... Add 1/4 to 19 1/2" prices.

Drainboards

9 1/4 & 9 1/2, 1 & 2 Clear Select (ed):
 20" & Wdr. RW, RL..... \$125.00
 22" & Wdr. RW, RL..... 135.00
 For Rough, Deduct \$3.00.

Additions for thickness—Continued.

No. 3 Common, 5/4, 6/4 & 8/4:
 RL or all 10"..... Add \$3.00 to 4/4 RL price.
 Specified lengths other than 16"..... Add \$3.00 to 4/4 RL price.
 No. 4 & 5 Common, 5/4, 6/4 and 8/4, RL..... Add \$2.00 to 4/4 RL price.

Specified lengths:

No. 1, 2, & 3 Common:
 4" & 6"-10", 12" & 14"..... Deduct \$1.00.
 4" & 6"-10", 12" & 14"..... Add \$1.00.
 8", 10" & 12"-10", 12", 18" & 20"..... Deduct \$1.00.
 8", 10" & 12"-14" & 10"..... Deduct \$3.00.
 All widths—6".....
 No. 4 & 5 Common:
 All specified lengths..... Add \$2.00.
 RL, 10" and longer..... Add \$1.00.
 No. 4, 1 x 6" & wider, 4' & longer..... \$27.00
 Odd widths, 7", 9", & 11"..... Add \$1.00 to 8", 10" & 12" price and so scaled price and so Deduct \$1.00.
 Rough 5/4 and thicker, all commons.....

No. 4 & 5 Common, RW & RL, may contain 20% 4' to 8' and 20% 4".
 No. 3 Common Shorts, 1 x 4" & wider, may contain 30% of 4".
 No. 4 Common shorts, 1 x 4" & wider, may contain 35% of 4".

Differentials and Rules Applicable to All.

Grades of Idaho White Pine
 Ordinary Resawing..... Add \$1.00
 Resawing and S2S, all grades, all rates..... Add 2.00
 Rippling per rip..... Add 1.00
 Novelty-Saw Rippling..... Add 2.00
 Rippling and S4S..... Add 3.00
 Cross Cutting, per cut..... Add 1.00
 Cleaving (ordinary)..... Add 1.50
 Bundling (ordinary)..... Add 1.00
 Bundling (export)..... Add 5.00
 4/4 and thicker stock dressed thicker than standard, for each 1/2"..... Add 1.00
 For stock run S4S wider than standard width (may be hit or miss)..... Add 1.00
 Standard Casing and Base, Jambes, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), 8" or 10" Boreled Siding, all grades, to price of grade desired..... Add 7.50

Select Grades

	4/4	5/4	6/4	8/4	10/4	12/4	10/4
S2S or S4S, RW and RL							
1 & 2 Clear (B & Btr).....	\$72.00	\$78.00	\$82.00	\$90.00	\$102.00	\$110.00	\$120.00
D Select.....	74.00	80.00	84.00	92.00	104.00	112.00	122.00
D Select.....	76.00	82.00	86.00	94.00	106.00	114.00	124.00

Stained Selects: Deduct \$5.00 from price of D Select.
 Australian Clear: Same Price as D Select.

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Other differentials, all grades

Rough 4/4 and thicker No. 1 Shop & Btr.....	Deduct	\$3.00
Rough 5/4 and thicker No. 2 Shop.....	Deduct	2.00
Rough 4/4 and thicker Common, Dimension and No. 3 Shop.....	Deduct	1.00
Rough Inch Shop.....	Deduct	2.00
Ordinary Resawing.....	Add	1.00
Resawing and S2S, all grades, all rates.....	Add	2.00
Ripping, per rip.....	Add	1.00
Novelty-Saw Ripping.....	Add	2.00
Ripping and S4S.....	Add	3.00
Cross Cutting, per cut.....	Add	1.00
Cleating (ordinary).....	Add	1.50
Bundling (ordinary).....	Add	1.00
Bundling (export).....	Add	5.00
Random Lengths are 6 ft. & longer, unless otherwise provided in list.		
Stock dressed thicker than standard, for each 1/2".....	Add	1.00
For stock run S4S wider than standard width (may be hit or miss).....	Add	1.00
Standard Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), to price of grade desired.....	Add	7.50
All other patterns except those conforming to Association Standard Patterns.....	Add	2.50
All standard patterns other than S2S or S4S, except as noted above.....	Add	2.00
Cutting to specified exact length.....	Add	1.00
All stock shipped in interdivisional stopover cars.....	Add	1.00

[Tables headed "Dimension" and "Drainboards" were transferred to § 1312.262 from § 1312.261 by amendment February 9, 1942, effective February 15, 1942; 7 F.R. 931]

Issued this 3d day of February 1942.*

LEON HENDERSON,
Administrator.

PART 1401—SYNTHETIC TEXTILE PRODUCTS

REVISED PRICE SCHEDULE NO. 95—NYLON HOSE

Nylon hose constitutes an important commodity of civilian consumption. With the curtailment of the supply of silk and recent reductions in the supply of nylon yarn, prices of nylon hose have undergone an extremely rapid increase. This increase has not been occasioned by any comparable rise in the cost of production and is inflationary in character. Because of the scarcity of nylon hose, prices have been bid up and there is ample evidence that their present level reflects widespread profiteering. Further unjustified price advances are now threatened unless remedial action is taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1401.1 *Maximum prices for nylon hose.* (a) On or after February 10, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver

or transfer nylon hose and no person shall buy, offer to buy, or accept delivery of nylon hose, at prices higher than the maximum prices set forth in § 1401.10, Appendix A: *Provided*, That contracts entered into prior to February 10, 1942, at prices in compliance with Price Schedule No. 95 (§§ 1401.1 to 1401.9, inclusive) may be carried out at the contract price.

(b) The provisions of Price Schedule No. 95 (§§ 1401.1 to 1401.10, inclusive) are not applicable to sales at retail.

[§ 1401.1 as amended February 9, 1942, effective February 10, 1942; 7 F.R. 935]

§§ 1401.1 to 1401.10, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1401.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 95 may be charged, demanded, paid or offered.*

§ 1401.3 *Evasion.* The price limitations set forth in Price Schedule No. 95 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of nylon hose, alone or in conjunction with any other material or commodity, or by way of any premium, commission, service, transportation, or other charge, or by tying-agreement or other trade understanding or practice involving a related sale or allotment of other types of hosiery or any other commodity, or by making the discounts given or other terms or conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.

[§ 1401.3 as amended February 9, 1942, effective February 10, 1942; 7 F.R. 935]

§ 1401.4 *Records and reports.* Every manufacturer or wholesaler making sales of nylon hose after February 4, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of (a) each such sale, showing the date thereof, the name and address of the buyer, the price received, and the quantity in dozens of pairs of nylon hose of each type, style and construction sold; and (b) the quantity in dozens of pairs of nylon hose of each type style and construction (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 95 shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1401.5 *Details required in contract of sale and invoice.* (a) Every manufacturer or wholesaler shall, with respect to each sale of nylon hose, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of the nylon hose sold, including (i) the type, style and construction; (ii) the quantity in dozens of pairs of each type, style and construction; and (3) the discount, if any, allowed for prompt payment. Every such seller of nylon hose shall, with respect to each delivery thereof, transmit to the pur-

chaser an invoice or similar document which shall either contain the information required by this paragraph or make reference to the contract in which such information is set forth.

§ 1401.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 95, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 95, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 95, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 95. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of nylon hose or the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1401.7 *Modification of Price Schedule No. 95.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 95 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 95.*

§ 1401.8 *Definitions.* When used in Price Schedule No. 95 the term:

(a) "Person" means an individual, partnership, association, corporation, of other business entity;

(b) "Sale at retail" means sale to the ultimate consumer or sale to another for use by the ultimate consumer without further resale: *Provided*, That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate consumer;

(c) "Nylon hose" means women's hosiery of the types, styles and constructions set forth in Table I of Appendix A.

[Paragraph (c) as amended February 9, 1942, effective February 10, 1942; 7 F.R. 935]

§ 1401.9 *Effective date of Price Schedule No. 95.* This Schedule (§§ 1401.1 to 1401.9, inclusive) shall become effective February 5, 1942.*

§ 1401.10 *Appendix A: Maximum prices for nylon hose.* (a) The prices set forth in Table I are maximum prices applicable to sales of nylon hose by manufacturers. Maximum prices applicable to sales of nylon hose by wholesalers or jobbers shall be the prices set forth in Table I increased by ten percent. They are prices f. o. b. the seller's point of shipment and are gross prices, before discounts of any nature are deducted, and include all commissions.

* Issued: 7 F.R. 759. Amended: 7 F.R. 931. Corrected: 7 F.R. 1009.

TABLE I¹

Style	Construction		Type	
	Gauge	Denier	All nylon	Nylon kg
Full Fashioned ²	48 and lower	30 or 40	Dollars per dozen	Dollars per dozen
	51	30 or 40	13.00	12.00
	51 and 54	15 or 20	14.00	13.00
			15.50	15.50
Circular Knit ³	Needles			
	Under 360	30 or 40	11.50	10.50
	360 and higher	20 or 40	12.50	11.50
	400 only	15 or 20	13.50	12.50

¹ For irregulars the above maximum prices shall be discounted by not less than 10 percent. For seconds, the above maximum prices shall be discounted by not less than 25 percent.

² In addition to the above maximum prices, a premium of \$2.00 per dozen may be charged for full fashioned mesh, lace or non-run hose.

³ In addition to the above maximum prices, a premium of \$1.00 per dozen may be charged for circular knit mesh, lace, or non-run hose.

[§ 1401.10 added by amendment February 9, 1942, effective February 10, 1942; 7 F.R. 935]

Issued this 4th day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1330—CONTAINERS

REVISED PRICE SCHEDULE NO. 96—DOMESTIC FUEL OIL STORAGE TANKS

Oil storage tanks are indispensable to domestic oil burner installations, many of which are used in defense housing projects. Jobbers' prices for a typical basement tank have more than doubled in some localities during the past year. These price increases far out strip the increased production costs and the increased selling prices to jobbers which were reported by manufacturers to the Office of Price Administration. Reports of hoarding have been numerous, and the market has been upset by a growing scarcity caused by shortages of steel.

Present inflated storage tank prices make it impractical in many localities to equip new defense houses with low cost, automatic oil heat. Moreover, high tank prices have not resulted in expanded production, because of preference orders affecting sheet steel, or in the development of satisfactory substitutes for steel tanks.

The Office of Price Administration has determined that the establishment of maximum prices for domestic fuel oil storage tanks is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. After analysis of information submitted by the industry, a conference with producers and distributors, and full consideration of all relevant factors, it was determined that representative prices charged by manufacturers during the first two weeks in October 1941, adjusted to allow distributors a reasonable mark-up, would constitute fair and equitable ceiling prices.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1330.101 *Maximum prices for fuel oil storage tanks.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer any domestic fuel oil storage tanks, other than on an installed basis, at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1330.110, 1330.111, and 1330.112, respectively.*

*§§ 1330.101 to 1330.112, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4463.

§ 1330.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, and C (§§ 1330.110, 1330.111, and 1330.112) may be charged, demanded, paid, or offered.*

§ 1330.103 *Evasion.* The price limitations set forth in Price Schedule No. 96 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of domestic fuel oil storage tanks, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941; or by unreasonably refusing to ship in carload and truckload quantities when available; or by excessive charges for tank accessories; or by any other means.*

§ 1330.104 *Labeling by manufacturers.* Every manufacturer shall permanently affix to each domestic fuel oil storage tank manufactured by him a durable label setting forth the name and location of the manufacturer, the size and capacity of the tank, and the gauge of steel used therein.*

§ 1330.105 *Records and reports.* (a) Every person making purchases or sales, other than on an installed basis, of domestic fuel oil storage tanks of a value of more than \$100.00 during any calendar month after February 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (1) each such purchase or

sale, showing (i) the date thereof, (ii) the name and address of the buyer and the seller, (iii) the point of delivery of the tank to the buyer, (iv) the price paid or received for the tank (exclusive of accessories other than lugs), (v) the freight paid by the seller and charged to the buyer where the tank is delivered to the buyer within the Midwestern Area (as described in § 1330.111 (a)), (vi) the gauge of steel used in the tank, (vii) whether the tank was sold with or without lugs, (viii) the capacity of the tank in gallons, (ix) the size of the tank in inches, and (x) the quantity of each type of tank purchased or sold, and (2) the quantity of domestic fuel oil storage tanks (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) Every person required by the above paragraph to keep records who purchases or sells tank accessories in conjunction with the transfer of a tank shall likewise keep records showing the details of the tank transfer of which the transfer of accessories is a part, the price paid or received for the accessories, and type and quantity of each such accessory purchased or sold.

(c) Persons affected by Price Schedule No. 96 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1330.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 96, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 96, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and public are fully informed thereof, and (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 96; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 96 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 96. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of domestic fuel oil storage tanks, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.107 *Modification of Price Schedule No. 96.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 96 may apply to the Office of Price Administration for

¹ Issued: 7 F.R. 765. Corrected: 7 F.R. 822. Amended: 7 F.R. 935.

approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 96.*

§ 1330.108 *Definitions*. When used in Price Schedule No. 96, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any manufacturer, commission salesman, wholesaler, jobber, or dealer.

(b) "Domestic fuel oil storage tanks" means obround basement type steel tanks of the gauges of steel, capacities and sizes listed in the applicable Appendix (§§ 1330.110, 1330.111 or 1330.112) of Price Schedule No. 96.

(c) "F. o. b. factory price" means a price including all commissions but excluding all freight and delivery charges.

(d) "Delivered price" means a price including all commissions and freight and delivery charges to the location designated by the purchaser.

(e) "Carload quantity" means a shipment of domestic fuel oil storage tanks which is to be moved by rail, the aggregate weight of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.

(f) "Truckload quantity", when shipment is by common or contract carrier by motor, means a shipment of domestic fuel oil storage tanks, the aggregate weight of which totals the applicable minimum truckload weight as specified in the established tariff of the common or contract carrier by motor involved, which minimum weight is closest to the carload weight referred to in (e) above for a comparable movement. In all other cases the term "truckload quantity" means 18 or more domestic fuel oil storage tanks, shipped by truck.

(g) "Installed basis", when used in reference to a sale or delivery, means a transaction in which the seller furnishes a domestic fuel oil storage tank and, in consideration of the total price paid by the purchaser, performs the service of connecting the tank to an oil burner.*

§ 1330.109 *Effective date of Price Schedule No. 96*. This Schedule (§§ 1330.101 to 1330.112, inclusive) shall become effective February 20, 1942.

§ 1330.110 *Appendix A: Maximum prices for domestic fuel oil storage tanks for the Eastern Area—(a) Application*. The provisions of Appendix A apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

(b) *Delivered prices of tanks, with lugs, when delivery is within the Eastern Area*.

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275.....	14	26-27	\$17.35	\$18.75
275.....	14	22	17.75	19.15
250.....	14	26-27	17.00	18.40
250.....	14	22	17.35	18.75
220.....	14	26-27	16.60	18.00
220.....	14	22	17.00	18.40
200.....	14	26-27	16.20	17.60
200.....	14	22	16.60	18.00
275.....	12	26-27	19.50	21.10
275.....	12	22	20.15	21.70
250.....	12	26-27	18.90	20.50
250.....	12	22	19.50	21.10
220.....	12	26-27	18.30	19.85
220.....	12	22	18.90	20.50
200.....	12	26-27	17.65	19.25
200.....	12	22	18.20	19.85

Maximum allowance for each extra transverse seam 75¢. No allowance for extra longitudinal seams.

§ 1330.111 *Appendix B: Maximum prices for domestic fuel oil storage tanks for the Midwestern Area—(a) Application*. The provisions of Appendix B apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the area between the Eastern Area and the Pacific Coast Area as defined in §§ 1330.110 and 1330.112, Appendices A and C of Price Schedule No. 96.

(b) *F. o. b. factory prices of tanks, without lugs, when delivery is within the Midwestern Area*.

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275.....	14	26-27	\$17.70	\$19.75
275.....	14	22	18.05	20.15
250.....	14	26-27	17.30	19.40
250.....	14	22	17.70	19.75
225.....	14	26-27	16.60	18.00
225.....	14	22	17.30	19.40
200.....	14	26-27	16.50	18.60
200.....	14	22	16.90	19.00
275.....	12	26-27	19.85	22.15
275.....	12	22	20.45	22.80
250.....	12	26-27	19.25	21.55
250.....	12	22	19.85	22.15
220.....	12	26-27	18.60	20.95
220.....	12	22	19.25	21.55
200.....	12	26-27	18.00	20.30
200.....	12	22	18.60	20.95

Maximum allowance for each extra transverse seam, 75¢. No allowance for extra longitudinal seams. Maximum allowance for lugs: \$1.00 per tank.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which

such shipment originates to the location designated by the purchaser.

§ 1330.112 *Appendix C: Maximum prices for domestic fuel oil storage tanks for the Pacific Coast Area—(a) Application*. The provision of Appendix C apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Washington, Oregon, and California.

(b) *F. o. b. factory prices of tanks, with lugs, when delivery is within the Pacific Coast Area*:

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275.....	14	26-27	\$31.05	\$35.60
275.....	14	22	32.35	35.90
250.....	14	26-27	31.65	33.10
250.....	14	22	31.95	33.60
220.....	14	26-27	31.20	34.75
220.....	14	22	31.65	35.10
200.....	14	26-27	30.91	34.35
200.....	14	22	31.20	34.75
275.....	12	26-27	34.10	37.65
275.....	12	22	34.75	38.15
250.....	12	26-27	33.60	36.90
250.....	12	22	34.10	37.65
220.....	12	26-27	32.90	36.30
220.....	12	22	33.60	36.90
200.....	12	26-27	32.25	35.05
200.....	12	22	32.60	36.30

Maximum allowance for each extra transverse seam, 75¢. No allowance for extra longitudinal seams.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which such shipment originates to the location designated by the purchaser.*

Issued this 4th day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 97—SOUTHERN HARDWOOD LUMBER

Southern hardwood lumber is an industrial wood extensively used in the manufacture of furniture, automobile trucks, containers, radio cabinets, agricultural implements, and farm and household utensils. The war effort and the accompanying expanded economic activity have increased the demand for

¹ Issued: 7 F.R. 794.

certain species and grades of southern hardwood lumber beyond the readily available supply. As a consequence, inflationary pressure has caused and continues to cause price increases which outstrip advances in costs, and which will serve no purpose in bringing out appreciably increased production. Attempts by individual producers to maintain reasonable prices have proved unsatisfactory because demand is accelerating, and because many operators have refused to cooperate with the Government in stabilizing prices. Under these circumstances, voluntary cooperation with the request of the Office of Price Administration to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.301 *Maximum prices for southern hardwood lumber.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic use or export use, any southern hardwood lumber, where shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1312.309 and 1312.310, respectively: *Provided*, That a shipment pursuant to an order of less than 1,000 feet of southern hardwood lumber shall not be subject to this Price Schedule No. 97: *And provided*, That Price Schedule No. 97 shall not apply where actual delivery has been made to a purchaser, or to a carrier for delivery to a purchaser, prior to February 20, 1942.*

*§§ 1312.301 to 1312.310, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.302 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1312.309, 1312.310) may be charged, demanded, paid or offered.*

§ 1312.303 *Evasion.* The price limitations set forth in Price Schedule No. 97 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of southern hardwood lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on October 1, 1941; or by unnecessarily routing lumber through a distribution yard; or by unreasonably refusing to ship except in mixed cars or trucks, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in §§ 1312.309 (e) and 1312.310 (d)); or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade

lumber which can be graded as a standard grade; or by any other means.*

§ 1312.304 *Records and reports.* Every person who, during any calendar month after February 1942, shall sell 34,000 pounds or more of southern hardwood lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 97 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.305 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 97, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 97, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 97; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 97 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 97. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern hardwood lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.306 *Modification of Price Schedule No. 97.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 97 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 97.*

§ 1312.307 *Definitions.* When used in Price Schedule No. 97, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration

yard operator, wholesaler, distributor, wholesaler's agent, or retailer.

(b) "Feet" means board feet of lumber, except that with reference to lumber in thicknesses of $\frac{3}{4}$ " and $\frac{5}{8}$ " the term "feet" means surface feet.

(c) "Southern hardwood lumber" means lumber (1) produced from the botanical species of sap sweet gum and red sweet gum (*Liquidambar styraciflua*), tupelo (*Nyssa aquatica*), black gum (*Nyssa sylvatica*), yellow poplar (*Liriodendron tulipifera*), beech (*Fagus americana*), sycamore (*Platanus occidentalis*), soft maple (*Acer rubrum*); and the botanical species included in the genera of red oak and white oak (*Quercus*), magnolia (*Magnolia*), elm (*Ulmus*), cottonwood (*Populus*), willow (*Salix*), hackberry (*Celtis*), hickory (*Hicoria*), basswood (*Tilia*), and ash (*Fraxinus*), and (2) processed into lumber at mills located in Alabama, Arkansas, Florida, Louisiana, Mississippi and Texas, and those portions of North Carolina, South Carolina, Virginia, Georgia, Kentucky and Tennessee not included in the "Appalachian hardwoods area". The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersection of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern bound-

aries of Cleveland and Burke Counties; thence continuing generally northeast-erly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundaries of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern bound-aries of Fauquier and Loudoun Counties to the Maryland state line; thence north-westerly along said state line to the east-ern boundary of Frederick County, Mary-land; thence northerly through Mary-land along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hard-woods area shall be deemed to be in the southern hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Ap-palachian area.

(d) "Tough white ash" means the botanical species *Fraxinus americana*.

(e) "Mill" means a manufacturing plant, concentration yard, or other estab-lishment which processes, by sawing, or by planing or other comparable method, at least 25 percent of the volume of southern hardwood logs or lumber pur-chased or received by it.

(f) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern hardwood lumber from a producer, a mill, or an-other distribution yard for purposes of unloading, sorting, and resale or redistri-bution, which regularly maintains a stock of lumber, and which processes, by saw-ing, or by planing or other comparable method, less than 25 percent of the volume of such lumber so purchased or received by it.

(g) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to Price Schedule No. 97.

(h) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser.*

§ 1312.308 *Effective date of Price Schedule No. 97.* This Schedule (§§ 1312.301 to 1312.310, inclusive) shall become effective February 20, 1942.*

§ 1312.309 *Appendix A: Maximum prices for southern hardwood lumber (other than tough white ash).* (a) The maximum f. o. b. mill prices per 1,000 feet of southern hardwood lumber (other than tough white ash), rough, air dried, shall be as follows:

(1) WHITE OAK—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	Sound Wormy	No. 3A Com-mon	No. 3B Com-mon
5/8"	\$70.00	\$40.00	\$24.00	\$16.00	-----	-----
3/4"	82.00	43.00	25.00	18.00	-----	-----
1"	95.00	50.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	105.00	60.00	33.00	32.00	-----	-----
1 1/2"	107.00	60.00	33.00	34.00	-----	-----
2"	125.00	70.00	35.00	33.00	-----	-----
2 1/2"	130.00	80.00	-----	-----	-----	-----
3"	145.00	85.00	-----	-----	-----	-----

(2) WHITE OAK—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	Sound Wormy	No. 3A Com-mon	No. 3B Com-mon
5/8"	\$47.00	\$30.00	\$23.00	\$16.00	-----	-----
3/4"	50.00	32.00	24.00	18.00	-----	-----
1"	62.00	33.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	95.00	47.00	32.00	32.00	-----	-----
1 1/2"	100.00	50.00	32.00	34.00	-----	-----
2"	120.00	55.00	32.00	33.00	-----	-----
2 1/2"	130.00	75.00	-----	-----	-----	-----
3"	140.00	80.00	-----	-----	-----	-----

(3) RED OAK—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	Sound Wormy	No. 3A Com-mon	No. 3B Com-mon
5/8"	\$50.00	\$36.00	\$23.00	\$16.00	-----	-----
3/4"	50.00	37.00	24.00	18.00	-----	-----
1"	60.00	42.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	70.00	47.00	32.00	32.00	-----	-----
1 1/2"	72.00	49.00	32.00	34.00	-----	-----
2"	80.00	52.00	34.00	33.00	-----	-----

(4) RED OAK—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	Sound Wormy	No. 3A Com-mon	No. 3B Com-mon
5/8"	\$40.00	\$30.00	\$23.00	\$16.00	-----	-----
3/4"	43.00	32.00	24.00	18.00	-----	-----
1"	52.00	37.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	68.00	45.00	32.00	32.00	-----	-----
1 1/2"	70.00	47.00	32.00	34.00	-----	-----
2"	76.00	50.00	34.00	33.00	-----	-----
2 1/2"	105.00	60.00	-----	-----	-----	-----
3"	110.00	65.00	-----	-----	-----	-----

(5) RED GUM—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
1"	\$96.00	\$51.00	\$32.00	\$16.00
1 1/4"	100.00	60.00	33.00	17.00
1 1/2"	100.00	63.00	33.00	17.00
2"	103.00	65.00	37.00	18.00
2 1/2"	105.00	70.00	-----	-----
3"	110.00	75.00	-----	-----

(6) RED GUM—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
5/8"	\$65.00	\$38.00	\$21.00	-----
3/4"	75.00	42.00	26.00	-----
1"	82.00	47.00	32.00	\$16.00
1 1/4"	95.00	57.00	32.00	17.00
1 1/2"	95.00	58.00	32.00	17.00
2"	97.00	60.00	36.00	18.00

(7) SAP GUM—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
1"	\$60.00	\$46.00	\$23.00	\$16.00
1 1/4"	65.00	53.00	29.00	17.00
1 1/2"	67.00	54.00	29.00	17.00
2"	70.00	55.00	33.00	18.00
2 1/2"	75.00	61.00	36.00	-----
3"	78.00	65.00	41.00	-----

(8) SAP GUM—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
5/8"	\$42.00	\$33.00	\$10.00	-----
3/4"	46.00	35.00	21.00	-----
1"	56.00	42.00	26.00	\$16.00
1 1/4"	60.00	47.00	27.00	17.00
1 1/2"	63.00	50.00	27.00	17.00
2"	68.00	52.00	30.00	18.00

(9) TUPELO—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
1"	\$53.00	\$43.00	\$23.00	\$16.00
1 1/4"	55.00	45.00	29.00	17.00
1 1/2"	57.00	47.00	29.00	17.00
2"	62.00	52.00	31.00	18.00
2 1/2"	70.00	55.00	36.00	-----
3"	75.00	60.00	39.00	-----

(10) TUPELO—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
5/8"	\$40.00	\$30.00	\$17.00	-----
3/4"	41.00	31.00	19.00	-----
1"	60.00	40.00	26.00	\$16.00
1 1/4"	62.00	42.00	23.00	17.00
1 1/2"	65.00	45.00	23.00	17.00
2"	60.00	50.00	31.00	18.00

(11) BLACK GUM—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
1"	\$53.00	\$43.00	\$23.00	\$16.00
1 1/4"	55.00	45.00	29.00	17.00
1 1/2"	57.00	47.00	29.00	17.00
2"	62.00	52.00	31.00	18.00
2 1/2"	70.00	55.00	36.00	-----
3"	75.00	60.00	39.00	-----

(12) BLACK GUM—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
5/8"	\$40.00	\$30.00	\$17.00	-----
3/4"	41.00	31.00	19.00	-----
1"	60.00	40.00	26.00	\$16.00
1 1/4"	62.00	42.00	23.00	17.00
1 1/2"	65.00	45.00	23.00	17.00
2"	60.00	50.00	31.00	18.00

(13) YELLOW POPLAR—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2A Com-mon	No. 2B Com-mon	No. 3 Com-mon
1"	\$71.00	\$53.00	\$46.00	\$33.00	\$27.00
1 1/4"	76.00	64.00	49.00	36.00	28.00
1 1/2"	81.00	66.00	52.00	37.00	28.00
2"	91.00	69.00	55.00	39.00	31.00

(14) YELLOW POPLAR—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
5/8"	\$51.00	\$46.00	\$31.00	\$19.00
3/4"	53.00	49.00	35.00	26.00
1"	66.00	53.00	43.00	33.00
1 1/4"	71.00	58.00	46.00	36.00
1 1/2"	76.00	61.00	49.00	37.00
2"	86.00	64.00	53.00	39.00

(15) SYCAMORE—QUARTERED

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
5/8"	\$43.00	\$33.00	\$23.00	-----
3/4"	43.00	33.00	28.00	-----
1"	63.00	43.00	33.00	\$16.00
1 1/4"	65.00	45.00	33.00	17.00
1 1/2"	66.00	46.00	33.00	17.00
2"	61.00	49.00	33.00	18.00

(16) SYCAMORE—PLAIN

Thick-ness	F. A. S.	No. 1 Com-mon and Se-lects; or No. 1 Com-mon	No. 2 Com-mon	No. 3 Com-mon
5/8"	\$42.00	\$32.00	\$21.00	-----
3/4"	42.00	32.00	21.00	-----
1"	43.00	33.00	21.00	\$16.00
1 1/4"	44.00	34.00	23.00	17.00
1 1/2"	45.00	35.00	23.00	17.00
2"	47.00	37.00	26.00	18.00

(17) BEECH

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$40.00	\$30.00	\$20.00	
3/4"	41.00	31.00	21.00	
1"	43.00	33.00	23.00	\$16.00
1 1/4"	48.00	38.00	24.00	17.00
1 1/2"	49.00	39.00	25.00	17.00
2"	53.00	43.00	26.00	18.00

(18) MAGNOLIA

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$69.00	\$47.00	\$34.00	\$16.00
1 1/4"	73.00	50.00	36.00	17.00
1 1/2"	73.00	50.00	36.00	17.00
2"	76.00	51.00	37.00	18.00
2 1/2"	81.00	56.00	38.00	
3"	86.00	61.00	39.00	

(19) SOFT MAPLE

Thickness	WHND Log Run	WHAD		
		F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common
1"				
1 1/4"				
1 1/2"				
2"				
2 1/2"				
3"				

(20) SOFT ELM

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$43.00	\$33.00	\$26.00	\$16.00
1 1/4"	45.00	35.00	27.00	17.00
1 1/2"	45.00	35.00	28.00	17.00
2"	47.00	37.00	28.00	18.00
2 1/2"	48.00	38.00	28.00	
3"	51.00	41.00	29.00	

(21) BASSWOOD

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$59.00	\$39.00	\$27.00	\$16.00

(22) COTTONWOOD

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$44.00	\$38.00	\$23.00	\$16.00
1 1/4"	46.00	39.00	31.00	17.00
1 1/2"	46.00	39.00	31.00	17.00
2"	46.00	39.00	31.00	18.00

(23) HACKBERRY

Thickness	Log Run	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"					
3/4"					
1"					
1 1/4"					
1 1/2"					
2"					
2 1/2"					
3"					

(24) WILLOW

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$55.00	\$41.00	\$28.00	\$16.00
1 1/4"	57.00	43.00	29.00	17.00
1 1/2"	61.00	46.00	29.00	17.00
2"	63.00	46.00	29.00	18.00

(25) HICKORY

Thickness	Log Run	F. A. S.	No. 1 Common	No. 2 Common	No. 3 Common
1"					
1 1/4"					
1 1/2"					
2"					

(26) ASH

[Other than Tough White Ash]

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$46.00	\$33.00	\$23.00	\$16.00
1 1/4"	48.00	35.00	27.00	17.00
1 1/2"	48.00	35.00	28.00	17.00
2"	50.00	37.00	28.00	18.00
2 1/2"	51.00	38.00	28.00	
3"	54.00	41.00	29.00	

(27) BOX BOARDS

Species	Thickness	Width	
		13" to 17"	5" to 12"
Sap Gum	1"	\$62.00	\$50.00
Cottonwood	1"	65.00	48.00

(b) The following additions per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged for the specified treatments and workings:

(1) Kiln drying:

	5/8" thick	3/4" thick	1" thick	1 1/4" thick	1 1/2" thick	2" thick	2 1/2" thick	3" thick
Cottonwood								
Elm								
Hackberry								
Yellow Poplar								
Magnolia								
Ash								
Beech								
Black Gum								
Hickory								
Plain Oak								
Quartered Oak								

(2) Anti-stain treatment: 50¢.

(3) Millworking:

	1/4" and 5/8" thick	1/4" to 1 1/4" thick
Resawing 1 line	\$3.00	\$2.50
Resawing 2 lines	5.50	4.50
Surfacing 1 or 2 sides	2.50	2.25
Surfacing 2 sides and resawing	5.00	4.25
Resawing and surfacing 1 or 2 sides	5.50	4.75

(4) Inspecting, grading and measuring after kiln drying: 5 per cent of the f. o. b. mill price of the lumber.

(5) End-racking or band sawing: No addition.

(c) For mixed car or mixed truck shipments, \$2.00 additional per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged. A mixed car shipment consists of four or more items as hereinafter defined, provided at least four items amount to not less than 3,000 feet each, or at least six items amount to not less than 2,000 feet each. A mixed truck shipment consists of four or more items as hereinafter defined, provided at least four items

(28) STRIPS

Species	Manufacture	Thickness	Width	Grade	
				No. 1 Common	No. 2 Common
White Oak	Quartered	1"	2" to 3 1/2"	\$62.00	\$42.00
Red Oak	Quartered	1"	2" to 3 1/2"	45.00	34.00

(29) FIGURED WOOD

Species	Manufacture	Thickness	Grade	
			F. A. S.	No. 1 Common and Selects; or No. 1 Common
Red Gum	Quartered	1"	\$165.00	\$53.00
Red Gum	Plain	1"	95.00	43.00

(30) PANEL AND WIDE NO. 1

Species	Width	Price
Sap Gum	15" and wider	\$65.00
Cottonwood	15" and wider	73.00

amount to not less than 500 feet each, or at least six items amount to not less than 300 feet each. An item consists of one species, thickness, and grade of southern hardwood lumber.

(d) For all export sales an addition of not more than \$1.50 per 1,000 feet of southern hardwood lumber may be charged if the seller performs the services of marking and bundling. For export sales on a c. i. f. or on a c. a. f. basis a separate addition of \$2.00 per 1,000 feet of southern hardwood lumber may be charged.

(e) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof, may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the computation of transportation costs on the basis of a system of estimated average weights established by the seller, and adhered to by him during the

period October 1 to October 15, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to Price Schedule No. 97, or within thirty days of the effective date of Price Schedule No. 97.*

§ 1312.310 *Appendix B: Maximum prices for tough white ash lumber.* (a) The maximum prices per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber f. o. b. concentrating point (which is the point at which such tough white ash lumber is collected, or produced, and prepared for shipment in such grades, thickness, and quantities as specified by the consuming trade) shall be as follows:

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"-----	\$70.00	\$40.00	\$29.00	\$16.00
1½-----	75.00	45.00	30.00	17.00
1½-----	82.00	55.00	31.00	17.00
2-----	90.00	65.00	32.00	18.00
2½-----	105.00	70.00	33.00	-----
3-----	115.00	80.00	35.00	-----

The above maximum prices do not apply to green tough white ash lumber. (b) An addition of 50¢ per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber may be charged for anti-stain treatment.

(c) For export sales, additions may be charged in accordance with the terms of paragraph (d) of § 1312.309, Appendix A.

(d) A delivered price in excess of the maximum f. o. b. concentrating point price set forth in (a) hereof may be charged in accordance with the terms of paragraph (e) of § 1312.309, Appendix A.

Issued this 4th day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 98—TITANIUM PIGMENTS

A sharp increase in the demand for titanium pigments has occurred in recent months as a result of the national defense program. Titanium pigments are extremely important pigments, essential in the production of a great many products necessary to the armed forces and civilian population.

In December 1941, after notice had been received of a proposed price advance by one of the largest producers, the Office of Price Administration requested the five United States producers of titanium pigments not to raise prices above those quoted on October 1, 1941. This request has been complied with by all of the producers.

Speculations by others than producers has greatly increased the resale prices

of titanium pigments. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation, not only to prevent inflationary rises in the price of titanium pigments, but also to eliminate the danger of price rises in other industries that use titanium pigments.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.751 *Maximum prices for titanium pigments.* On and after March 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer titanium pigments in quantities of 50 pounds or more, and no person shall buy, offer to buy or accept delivery of titanium pigments in quantities of 50 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.759.*

*§§ 1335.751 to 1335.759, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.752 *Less than maximum prices.* Lower prices than those set forth in § 1335.759, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.753 *Evasion.* The price limitations set forth in Price Schedule No. 98 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of titanium pigments, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.754 *Records and reports.* Every person making purchases or sales of titanium pigments in quantities of 50 pounds or more on or after March 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the titanium pigments purchased or sold.

Persons affected by Price Schedule No. 98 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.755 *Enforcement.* In the event of refusal or failure to abide by the price limitations, records and report requirements, or other provisions of Price Schedule No. 98, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 98, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 98; (c) that full advantage will

be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 98 which may be regarded as grounds for the revocations of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 98. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of price of titanium pigments, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.756 *Modification of Price Schedule No. 98.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 98 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 98.*

§ 1335.757 *Definitions.* When used in Price Schedule No. 98 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Titanium pigments" means the grades of titanium pigments listed in § 1335.759 Appendix A hereof.*

§ 1335.758 *Effective date of Price Schedule No. 98.* This Schedule (§ 1335.751 to 1335.759, inclusive) shall become effective March 1, 1942.*

§ 1335.759 *Appendix A: Maximum prices for titanium pigments.* The following maximum prices are established for titanium pigments:

(a) *Deliveries in Eastern Territory*¹—
(1) *Twenty tons or more.*

Grade	Per pound delivered in bags (cents)
Titanium Dioxide (Regular Grades)-----	14½
Titanium Dioxide (Chalk Resistant Grade)-----	15
Titanium Dioxide (Non-Chalking Grade)-----	16½
Titanium Dioxide (Rutile Regular Grade)-----	15½
Titanium Dioxide (Rutile Chalk Resistant Grade)-----	16
Titanium Barium Pigments-----	5¾
Titanium Calcium Pigments-----	5½
Titanium Magnesium Pigment-----	5¾
Titanium Calcium Pigment (Rutile Grade)-----	5½
Lead Titanate-----	11

(2) *Five tons or more but less than twenty tons.* For titanium pigments sold in quantities of 5 tons or more but less than 20 tons, \$.0025 per pound may be added to the maximum prices established in subparagraph (1) of this paragraph.

(3) *One thousand pounds or more but less than five tons.* For titanium pigments sold in quantities of 1,000 or more pounds but less than 5 tons, \$.0025 per pound may be added to the maximum prices established in subparagraph (2).

¹Issued: 7 F.R. 790.

of this paragraph except in the case of Titanium Barium Pigment, Titanium Calcium Pigment, Titanium Magnesium Pigment, Titanium Calcium Pigment (Rutile Grade) where the maximum prices are the maximum prices established in subparagraph (2) of this paragraph.

(4) *Fifty pounds or more but less than one thousand pounds.* For titanium pigments sold in quantities of 50 pounds or more but less than 1,000 pounds, \$.0025 per pound may be added to the maximum prices established in subparagraph (3) of this paragraph except in the case of Titanium Barium Pigment, Titanium Calcium Pigment, Titanium Magnesium Pigment, and Titanium Calcium Pigment (Rutile Grade) where the maximum prices are the maximum prices established in subparagraph (2) of this paragraph and except in the case of Lead Titanate where the maximum prices are the maximum prices established in subparagraph (3) of this paragraph.

(b) *Deliveries in Western Territory*¹—(1) *Twenty tons or more.* The maximum prices for deliveries of titanium pigments in quantities of 20 tons or more in Western Territory are the maximum prices established in paragraph (a) of this section for deliveries in Eastern Territory, plus \$.0025 per pound.

(2) *Less than twenty tons.* The maximum prices for deliveries of titanium pigments in quantities of less than 20 tons in Western Territory are the maximum prices established in paragraph (a) above for deliveries in Eastern Territory, plus \$.0025 per pound f. o. b. warehouse in Western Territory.

(c) *Barrels.* The maximum prices for deliveries of titanium pigments in Eastern or Western Territory in barrels are the maximum prices established above in paragraphs (a) or (b) of this section, whichever the case may be, plus \$.0025 per pound.

(d) *Export sales and sales to persons in Territories and Possessions of the United States*—(1) *Shipments by vessel from Eastern Territory.* The maximum prices for shipment by vessel from Eastern Territory are the maximum prices established in paragraph (a) of this section f. a. s. vessel at the port of shipment plus 10% of the applicable maximum price.

(2) *Shipments by vessel from Western Territory.* The maximum prices for shipment by vessel from Western Territory are the maximum prices established in paragraph (b) of this section f. a. s. vessel at the port of shipment plus 10% of the applicable maximum price.

(3) *Overland shipments.* The maximum prices for overland shipment are the maximum prices established in paragraph (a) or (b) of this section, whichever the case may be, delivered to that station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from

the United States into Canada or Mexico plus 5% of the applicable maximum price except that for quantities of less than 20 tons shipped from warehouse in Western Territory the maximum prices are f. o. b. warehouse plus 5% of the applicable maximum price.

(4) *Expenses.* No expenses, commissions, or charges for service may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

Issued this 5th day of February 1942.*

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 99—ACETYL SALICYLIC ACID

Increased domestic and foreign demands for acetyl salicylic acid, commonly known as aspirin, has resulted in a shortage of supply. Speculation by others than producers has led to resale prices as high as \$1.50 per pound, in sharp contrast to the manufacturers' price of 40 cents per pound for a comparable grade and quantity. Further increases in resale prices are threatened.

After conferences with producers, resellers, and exporters of acetyl salicylic acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of their prevailing price of 40 cents per pound, or for resellers and exporters charging prices in excess of 52 cents and 56 cents per pound, respectively, for acetyl salicylic acid, either powdered or in crystals for sales of large quantities. Increases in such prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.801 *Maximum prices for acetyl salicylic acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer acetyl salicylic acid in quantities of one pound or more and no person shall buy, offer to buy or accept delivery of acetyl salicylic acid in quantities of one pound or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.809.*

*§§ 1335.801 to 1335.809, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.802 *Less than maximum prices.* Lower prices than those set forth in § 1335.809 Appendix A, may be charged, demanded, paid or offered.*

§ 1335.803 *Evasion.* The price limitations set forth in Price Schedule No. 99 shall not be evaded by direct or indirect

methods in connection with a purchase, sale, delivery, or transfer, of acetyl salicylic acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of acetyl salicylic acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.804 *Records and reports.* Every person making purchases or sales of acetyl salicylic acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the acetyl salicylic acid purchased or sold.

Persons affected by Price Schedule No. 99 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.805 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 99, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 99, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 99; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 99 which may be regarded as ground for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 99. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of acetyl salicylic acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.806 *Modification of Price Schedule No. 99.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 99 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 99.*

¹When used in this Appendix, the term "Western Territory" means the States of California, Oregon and Washington and the term "Eastern Territory" means all other states of the United States.

*Issued: 7 F.R. 817.

§ 1335.807 *Definitions.* When used in Price Schedule No. 99, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetyl salicylic acid" means the varieties and mixtures referred to in Appendix A, incorporated herein as § 1335.809.

(c) "Producer" means a person who manufactures acetyl salicylic acid.

(d) "Primary jobber" means a person who buys acetyl salicylic acid from producers for resale.

(e) "Reseller" means a person who buys acetyl salicylic acid for resale from persons other than producers.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.808 *Effective date of Price Schedule No. 99.* This Schedule (§§ 1335.801 to 1335.809, inclusive) shall become effective February 16, 1942.*

§ 1335.809 *Appendix A: Maximum prices for acetyl salicylic acid—(a) Sales by producers and primary jobbers.* (1) The maximum prices for sales of acetyl salicylic acid by producers or primary jobbers are established as follows:

Quantity	80 mesh powdered or 20-40 mesh crystals, per pound	Any special mixture or formula, per pound	10 percent starch granulation, per pound	16 percent starch granulation, per pound	20 percent starch granulation, per pound
200 pounds or more in barrels.....	\$0.40	\$0.45	\$0.40	\$0.38	\$0.36
100 pounds or more in kegs.....	.40	.45	.40	.38	.36
25 pounds or more in drums.....	.41	.46	.41	.39	.37
5 pounds or more in 5 pound cartons.....	.54	.59	.54	.52	.50
1 pound or more in 1 pound cartons ¹.....	.56	.61	.56	.54	.52

¹ 3 cents per pound may be added for acetyl salicylic acid packaged in one pound canisters, and 8 cents per pound for acetyl salicylic acid packaged in one pound bottles.

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: New York City, New York; Philadelphia, Pennsylvania; Midland, Michigan; Chicago, Illinois; and St. Louis, Missouri. The maximum prices which a purchaser may pay for acetyl salicylic acid delivered to him from a

producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quality to destination from that City named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of acetyl salicylic acid by resellers are established as follows, f. o. b. reseller's shipping point,

Quantity	80 mesh powdered or 20-40 mesh crystals, per pound	Any special mixture or formula, per pound	10 percent starch granulation, per pound	16 percent starch granulation, per pound	20 percent starch granulation, per pound
200 pounds or more in barrels.....	\$0.52	\$0.59	\$0.52	\$0.49	\$0.47
100 pounds or more in kegs.....	.52	.59	.52	.49	.47
25 pounds or more in drums.....	.52	.60	.52	.50	.48
5 pounds or more in 5 pound cartons.....	.70	.77	.70	.68	.65
1 pound or more in 1 pound cartons ¹.....	.73	.79	.73	.70	.68

¹ 4 cents per pound may be added for acetyl salicylic acid packaged in one pound canisters and 9 cents per pound for acetyl salicylic acid packaged in one pound bottles.

(c) *Export sales and sales to persons in Territories and possessions of the United States.* The following maximum prices are established for export sales of acetyl salicylic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b.

shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 per cent of the applicable maximum price.*

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (i) ocean or overland freight (ii) marine and war

risk insurance, and (iii) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by Price Schedule No. 99, except as specifically provided above.*

Issued this 5th day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 100—CAST IRON SOIL PIPE AND FITTINGS

Cast iron soil pipe and fittings are extensively used in the construction industry to carry off drainage and waste. In the defense program they are widely employed in housing projects, cantonments and all types of factories and industrial plants. The increased need for cast iron soil pipe and fittings has prompted Government efforts to secure expanded production by allocating needed pig iron to the industry, but the supply has failed to keep pace with the augmented demands stemming from the defense program and the accompanying economic expansion. As a consequence, inflationary pressure has caused price increases which outstrip advances in costs, and which will serve no purpose in bringing out appreciably increased production. Issuance of a price schedule accordingly is necessary to protect consumers, the industry, and the national economy.

In this Price Schedule No. 100 the Office of Price Administration is utilizing the Birmingham, Alabama, single basing point system, presently in effect in the soil pipe industry. Such acceptance of this system, merely as a vehicle for determining maximum prices, should not be regarded as approval thereof, nor should this reservation be regarded as indicating disapproval.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.301 *Maximum prices for cast iron soil pipe and fittings.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no manufacturer, jobber, or wholesaler shall sell, offer to sell, deliver, or transfer any cast iron soil pipe and fittings, and no person shall buy, offer to buy or accept delivery of cast iron soil pipe and fittings from a manufacturer, jobber, or wholesaler at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.309.*

*§§ 1306.301 to 1306.310, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.302 *Less than maximum prices.* Lower prices than those set forth in § 1306.309, Appendix A, may be charged, demanded, paid or offered.*

¹ Issued: 7 F.R. 810.

§ 1306.303 *Evasion.* The price limitations set forth in Price Schedule No. 100 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cast iron soil pipe and fittings, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by making credit terms more onerous than those available or in effect on October 1, 1941, or by any other means.*

§ 1306.304 *Records and reports.* Every manufacturer, jobber and wholesaler who sells, and every person who buys from a manufacturer, jobber or wholesaler cast iron soil pipes and fittings of a value of more than \$200.00 per month after February 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity of cast iron soil pipes and fittings purchased or sold.*

§ 1306.305 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 100, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 100, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 100; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 100 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 100. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cast iron soil pipe and fittings, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.306 *Modification of Price Schedule No. 100.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 100 may apply to the Office of Price Administration for

approval of any modification thereof or exception therefrom: *Provided, That*, no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 100.*

§ 1306.307 *Definitions.* When used in Price Schedule No. 100, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a foundry or plant which produces cast iron soil pipe and fittings. Except for purposes of the records requirements of § 1306.304, the term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(c) "Jobber" and the term "wholesaler" means a person who purchases cast iron soil pipe for purposes of resale, normally maintains a complete line of pipe and fittings, and sells primarily to plumbers, contractors and industrial concerns.

(d) "Cast iron soil pipe and fittings" means cast iron pipes and fittings of the types listed in § 1306.310, Appendix B, of Price Schedule No. 100.

(e) "Delivered price" means net price including all commissions and all freight and delivery charges incident to transporting the pipe and fittings to the place of delivery as described in paragraph (b) (3) of § 1306.309, Appendix A, of Price Schedule No. 100.

(f) "Carload shipment" or the term "carload quantity" means a shipment or quantity of cast iron soil pipe and fittings, the aggregate weight of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.*

§ 1306.308 *Effective date of Price Schedule No. 100.* This Schedule (§§ 1306.301 to 1306.310, inclusive) shall become effective February 20, 1942.*

§ 1306.309 *Appendix A: Maximum prices for cast iron soil pipe and fittings.* (a) The maximum f. o. b. Birmingham, Alabama, prices for cast iron soil pipe and fittings shall be the prices arrived at by applying the following discounts to the prices set forth in § 1306.310, Appendix B, of Price Schedule No. 100.

	Carload shipments by rail; ten ton or greater shipments by motor carrier	Less than carload shipments by rail; less than ten ton shipments by motor carrier
2" to 6" Extra Heavy Pipe.....	52½-10-10	53½
2" to 6" Medium Pipe.....	47½-10-10	47½
2" to 6" Standard Pipe.....	42½-10-10	43½
2" to 6" Fittings.....	37½-10-10	37½
8" to 15" Pipe and Fittings....	43½-10-10	43½

(b) The maximum delivered price for domestic sales of cast iron soil pipe and fittings shall be the maximum f. o. b. Birmingham, Alabama, price established in paragraph (a) hereof, plus a freight and delivery charge computed in accordance with the following provisions (whether shipment is by rail or motor carrier):

(1) Where shipment moves directly from foundry to purchaser (regardless of whether the seller is a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the carload railroad freight from Birmingham, Alabama, to the railroad siding nearest to the point of delivery designated by the purchaser.

(2) Where shipment to a purchaser originates from some place other than a foundry (as where shipment originates at a distribution warehouse operated by a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the carload railroad freight from Birmingham, Alabama, to the place at which the shipment originates. No further delivery charge may be made for transportation from the place at which the shipment originates to the location designated by the purchaser.

(3) For purposes of this paragraph, the seller shall be considered as having completed his delivery obligations when, in the case of a rail shipment, the shipment arrives at the rail siding nearest to the location designated by the purchaser; or when, in the case of shipment by motor carrier, the shipment arrives at the site designated by the purchaser.

(4) Carload railroad freight from Birmingham, Alabama, may be computed by deducting for every 25¢ ton freight ¼ point from the applicable base (or first) discount.

(c) The maximum price for export sales of cast iron soil pipe and fittings shall be the maximum price, as established by subparagraph (1) of paragraph (b) hereof, for delivery of carload quantities of pipe and fittings to the export loading dock, plus ocean freight and marine insurance to the extent that such charges are paid by the seller. Where the seller performs the service of wiring or otherwise bundling pipe and fittings for export shipment, an added charge of \$1.00 per ton of pipes and fittings may be made.

(d) No addition to the maximum prices herein established may be made for treating cast iron soil pipe and fittings with tar.*

§ 1306.310 *Appendix B: List prices on cast iron soil pipe and fittings.* The list prices of cast iron soil pipe and fittings shall be as follows:

Size	1 1/2 x 2	1 1/2 x 2 1/2	1 1/2 x 3	1 1/2 x 3 1/2	1 1/2 x 4	1 1/2 x 4 1/2	1 1/2 x 5	2 x 5	2 1/2 x 5	3 x 5	3 1/2 x 5	4 x 5	4 1/2 x 5	5 x 5
Tapped Increasers, Short.....	Std.													
Xapped Increasers, Short.....	XII	.60	---	.00	1.00	1.35	1.25	1.00	1.00	2.00	1.85	2.30	2.20	3.05
Xapped Increasers, Regular.....	Std.	.75	1.10	1.25	1.40	1.60	1.55	1.00	1.00	2.00	2.30	2.65	2.60	3.60
Long Tapped Increasers, Regular.....	XII	.00	1.40	1.60	1.85	2.10	2.10	2.45	2.45	2.85	2.40	2.75	3.15	3.00
Long Xapped Increasers, 24".....	Std.			2.25	2.50	2.75	2.45	2.80	3.20	3.00	3.00	3.35	3.75	4.20
Long Tapped Increasers, 24".....	XII			2.55	2.80	3.05	3.00	3.45						
Long Xapped Increasers, 30".....	Std.			2.65	2.90	3.15	3.10							
Long Tapped Increasers, 30".....	XII			3.00	3.25	3.50	3.45							
Long Xapped Increasers, 36".....	Std.			3.00	3.25	3.50	3.45							
Long Tapped Increasers, 36".....	XII			3.45	3.70	3.95	3.90							
Long Xapped Increasers, 48".....	Std.			3.45	3.70	3.95	3.90							
Long Tapped Increasers, 48".....	XII			3.90	4.15	4.40	4.35							
Long Xapped Increasers, 60".....	Std.			4.40	4.65	4.90	4.85							
Long Tapped Increasers, 60".....	XII			4.85	5.10	5.35	5.30							
Long Xapped Increasers, 72".....	Std.			5.35	5.60	5.85	5.80							
Long Tapped Increasers, 72".....	XII			5.80	6.05	6.30	6.25							
Long Xapped Increasers, 84".....	Std.			6.30	6.55	6.80	6.75							
Long Tapped Increasers, 84".....	XII			6.75	7.00	7.25	7.20							
Long Xapped Increasers, 96".....	Std.			7.25	7.50	7.75	7.70							
Long Tapped Increasers, 96".....	XII			7.70	7.95	8.20	8.15							
Long Xapped Increasers, 108".....	Std.			8.20	8.45	8.70	8.65							
Long Tapped Increasers, 108".....	XII			8.65	8.90	9.15	9.10							
Long Xapped Increasers, 120".....	Std.			9.15	9.40	9.65	9.60							
Long Tapped Increasers, 120".....	XII			9.60	9.85	10.10	10.05							
Long Xapped Increasers, 144".....	Std.			10.10	10.35	10.60	10.55							
Long Tapped Increasers, 144".....	XII			10.55	10.80	11.05	11.00							
Long Xapped Increasers, 168".....	Std.			11.05	11.30	11.55	11.50							
Long Tapped Increasers, 168".....	XII			11.50	11.75	12.00	11.95							
Long Xapped Increasers, 192".....	Std.			12.00	12.25	12.50	12.45							
Long Tapped Increasers, 192".....	XII			12.45	12.70	12.95	12.90							
Long Xapped Increasers, 216".....	Std.			12.95	13.20	13.45	13.40							
Long Tapped Increasers, 216".....	XII			13.40	13.65	13.90	13.85							
Long Xapped Increasers, 240".....	Std.			13.90	14.15	14.40	14.35							
Long Tapped Increasers, 240".....	XII			14.35	14.60	14.85	14.80							
Long Xapped Increasers, 264".....	Std.			14.85	15.10	15.35	15.30							
Long Tapped Increasers, 264".....	XII			15.30	15.55	15.80	15.75							
Long Xapped Increasers, 288".....	Std.			15.80	16.05	16.30	16.25							
Long Tapped Increasers, 288".....	XII			16.25	16.50	16.75	16.70							
Long Xapped Increasers, 312".....	Std.			16.75	17.00	17.25	17.20							
Long Tapped Increasers, 312".....	XII			17.20	17.45	17.70	17.65							
Long Xapped Increasers, 336".....	Std.			17.70	17.95	18.20	18.15							
Long Tapped Increasers, 336".....	XII			18.15	18.40	18.65	18.60							
Long Xapped Increasers, 360".....	Std.			18.65	18.90	19.15	19.10							
Long Tapped Increasers, 360".....	XII			19.10	19.35	19.60	19.55							
Long Xapped Increasers, 384".....	Std.			19.60	19.85	20.10	20.05							
Long Tapped Increasers, 384".....	XII			20.05	20.30	20.55	20.50							
Long Xapped Increasers, 408".....	Std.			20.55	20.80	21.05	21.00							
Long Tapped Increasers, 408".....	XII			21.00	21.25	21.50	21.45							
Long Xapped Increasers, 432".....	Std.			21.50	21.75	22.00	21.95							
Long Tapped Increasers, 432".....	XII			21.95	22.20	22.45	22.40							
Long Xapped Increasers, 456".....	Std.			22.45	22.70	22.95	22.90							
Long Tapped Increasers, 456".....	XII			22.90	23.15	23.40	23.35							
Long Xapped Increasers, 480".....	Std.			23.40	23.65	23.90	23.85							
Long Tapped Increasers, 480".....	XII			23.85	24.10	24.35	24.30							
Long Xapped Increasers, 504".....	Std.			24.35	24.60	24.85	24.80							
Long Tapped Increasers, 504".....	XII			24.80	25.05	25.30	25.25							
Long Xapped Increasers, 528".....	Std.			25.30	25.55	25.80	25.75							
Long Tapped Increasers, 528".....	XII			25.75	26.00	26.25	26.20							
Long Xapped Increasers, 552".....	Std.			26.25	26.50	26.75	26.70							
Long Tapped Increasers, 552".....	XII			26.70	26.95	27.20	27.15							
Long Xapped Increasers, 576".....	Std.			27.20	27.45	27.70	27.65							
Long Tapped Increasers, 576".....	XII			27.65	27.90	28.15	28.10							
Long Xapped Increasers, 600".....	Std.			28.15	28.40	28.65	28.60							
Long Tapped Increasers, 600".....	XII			28.60	28.85	29.10	29.05							
Long Xapped Increasers, 624".....	Std.			29.10	29.35	29.60	29.55							
Long Tapped Increasers, 624".....	XII			29.55	29.80	30.05	30.00							
Long Xapped Increasers, 648".....	Std.			30.05	30.30	30.55	30.50							
Long Tapped Increasers, 648".....	XII			30.50	30.75	31.00	30.95							
Long Xapped Increasers, 672".....	Std.			31.00	31.25	31.50	31.45							
Long Tapped Increasers, 672".....	XII			31.45	31.70	31.95	31.90							
Long Xapped Increasers, 696".....	Std.			31.95	32.20	32.45	32.40							
Long Tapped Increasers, 696".....	XII			32.40	32.65	32.90	32.85							
Long Xapped Increasers, 720".....	Std.			32.90	33.15	33.40	33.35							
Long Tapped Increasers, 720".....	XII			33.35	33.60	33.85	33.80							
Long Xapped Increasers, 744".....	Std.			33.85	34.10	34.35	34.30							
Long Tapped Increasers, 744".....	XII			34.30	34.55	34.80	34.75							
Long Xapped Increasers, 768".....	Std.			34.80	35.05	35.30	35.25							
Long Tapped Increasers, 768".....	XII			35.25	35.50	35.75	35.70							
Long Xapped Increasers, 792".....	Std.			35.75	36.00	36.25	36.20							
Long Tapped Increasers, 792".....	XII			36.20	36.45	36.70	36.65							
Long Xapped Increasers, 816".....	Std.			36.70	36.95	37.20	37.15							
Long Tapped Increasers, 816".....	XII			37.15	37.40	37.65	37.60							
Long Xapped Increasers, 840".....	Std.			37.65	37.90	38.15	38.10							
Long Tapped Increasers, 840".....	XII			38.10	38.35	38.60	38.55							
Long Xapped Increasers, 864".....	Std.			38.60	38.85	39.10	39.05							
Long Tapped Increasers, 864".....	XII			39.05	39.30	39.55	39.50							
Long Xapped Increasers, 888".....	Std.			39.55	39.80	40.05	40.00							
Long Tapped Increasers, 888".....	XII			40.00	40.25	40.50	40.45							
Long Xapped Increasers, 912".....	Std.			40.50	40.75	41.00	40.95							
Long Tapped Increasers, 912".....	XII			40.95	41.20	41.45	41.40							
Long Xapped Increasers, 936".....	Std.			41.45	41.70	41.95	41.90							
Long Tapped Increasers, 936".....	XII			41.90	42.15	42.40	42.35							
Long Xapped Increasers, 960".....	Std.			42.40	42.65	42.90	42.85							
Long Tapped Increasers, 960".....	XII			42.85	43.10	43.35	43.30							
Long Xapped Increasers, 984".....	Std.			43.35	43.60	43.85	43.80							
Long Tapped Increasers, 984".....	XII			43.80	44.05	44.30	44.25							
Long Xapped Increasers, 1008".....	Std.			44.30	44.55	44.80	44.75							
Long Tapped Increasers, 1008".....	XII			44.75	45.00	45.25	45.20							
Long Xapped Increasers, 1032".....	Std.			45.25	45.50	45.75	45.70							
Long Tapped Increasers, 1032".....	XII			45.70	45.95	46.20	46.15							
Long Xapped Increasers, 1056".....	Std.			46.20	46.45	46.70	46.65							
Long Tapped Increasers, 1056".....	XII			46.65	46.90	47.15	47.10							
Long Xapped Increasers, 1080".....	Std.			47.15	47.40	47.65	47.60							
Long Tapped Increasers, 1080".....	XII			47.60	47.85	48.10	48.05							
Long Xapped Increasers, 1104".....	Std.			48.10	48.35	48.60	48.55							
Long Tapped Increasers, 1104".....	XII			48.55	48.80	49.05	49.00							
Long Xapped Increasers, 1128".....	Std.			49.05	49.30	49.55	49.50							
Long Tapped Increasers, 1128".....	XII			49.50	49.75	50.00	49.95							
Long Xapped Increasers, 1152".....	Std.			50.00	50.25	50.50	50.45							
Long Tapped Increasers, 1152".....	XII			50.45	50.70	50.95	50.90							
Long Xapped Increasers, 1176".....	Std.			50.95	51.20	51.45	51.40							
Long Tapped Increasers, 1176".....	XII			51.40	51.65	51.90	51.85							
Long Xapped Increasers, 1200".....	Std.			51.90	52.15	52.40	52.35							
Long Tapped Increasers, 1200".....	XII			52.35	52.60	52.85	52.80							
Long Xapped Increasers, 1224".....	Std.			52.85	53.10	53.35	53.30							
Long Tapped Increasers, 1224".....	XII			53.30	53.55	53.80	53.75							
Long Xapped Increasers, 1248".....	Std.			53.80	54.05	54.30	54.25							
Long Tapped Increasers, 1248".....	XII			54.25	54.50	54.75	54.70							
Long Xapped														

Size	2"	3 x 2	3"	4 x 2	4 x 3	4"
Tees, San Tees, Ys and ½ Ys.	Sld.	.55	.85	.85	1.15	1.20
Tees, San Tees, Ys and ½ Ys.	XII.	.75	1.05	1.10	1.45	1.50
Tees and San Tees, All Hub Ends.	Sld.	2.25	3.45			4.05
Tees and San Tees, All Hub Ends.	XII.	2.75	4.35			5.85
Tapped Tees.	Sld.	.70	.85			1.05
Tapped Tees.	XII.	.75	1.10			1.25
Tapped San Tees.	Sld.	.75	.95			1.25
Tapped San Tees.	XII.	.69	1.20			1.65
Tapped Ys.	Sld.	.75	.95			1.25
Tapped Ys.	XII.	.60	1.20			1.65
Tapped Tees for 2½", or 3" I. P.	Sld.		1.05			2.05
Tapped Tees for 2½", or 3" I. P.	XII.		2.35			2.75
Top'd San Tees and Ys for 2½", or 3" I. P.	Sld.		2.00			2.50
Top'd San Tees and Ys for 2½", or 3" I. P.	XII.		2.45			2.80
Add One each to the above for 4" tapping.						
Long Tee, San Tee and Y, 12" long.	Sld.	1.20	1.45			2.50
Long Tee, San Tee and Y, 12" long.	XII.	1.75	1.90			3.50
Long Tee, San Tee and Y, 15" long.	Sld.	2.00	2.20			4.20
Long Tee, San Tee and Y, 15" long.	XII.	2.45	2.95			5.05
Long Tee, San Tee and Y, 21" long.	Sld.	2.45	3.10			5.05
Long Tee, San Tee and Y, 21" long.	XII.	2.75	3.65			6.85
Long Tee, San Tee and Y, 24" long.	Sld.	2.75	4.45			6.85
Long Tee, San Tee and Y, 24" long.	XII.	3.05	5.05			7.35
Long Tee, San Tee and Y, 30" long.	Sld.	3.35	6.05			8.05
Long Tee, San Tee and Y, 30" long.	XII.	3.45	6.65			8.60
Long Tee, San Tee and Y, 36" long.	Sld.	3.45	1.70			3.05
Long Tee, San Tee and Y, 36" long.	XII.	4.10	2.15			3.80
Long Tee, San Tee and Y, 42" long.	Sld.	4.10	2.75			3.85
Long Tee, San Tee and Y, 42" long.	XII.	4.45	3.40			4.45
Long Tapped Tees.	Sld.	2.00	3.20			4.35
Long Tapped Tees.	XII.	2.50	4.00			5.40
Long Tapped Ys.	Sld.	2.20	3.80			4.90
All Tapped for 1½", 1½" or 2" I. P.	XII.	3.35	4.75			6.15
	Sld.	2.60	4.30			5.60
	XII.	3.05	5.35			6.90
	Sld.	1.25	1.65			2.50
	XII.	1.55	2.00			2.75
	Sld.	1.55	2.90			3.60
	XII.	1.55	3.45			4.60
Cross, San Cross, Dbl. Y and Dbl. ½ Y.	Sld.	1.15	1.80			2.50
Cross, San Cross, Dbl. Y and Dbl. ½ Y.	XII.	1.55	2.15			3.20
All Hub Cross and San Cross.	Sld.	1.15	1.75			2.50
All Hub Cross and San Cross.	XII.	1.45	2.05			2.75
Tapped Straight Cross.	Sld.	1.15	1.75			2.50
Tapped Straight Cross.	XII.	1.45	2.05			2.75
Tapped Sanitary Cross.	Sld.	1.15	1.75			2.50
Tapped Sanitary Cross.	XII.	1.45	2.05			2.75
Tapped Double Y.	Sld.	1.25	1.85			2.75
Tapped Double Y.	XII.	1.55	2.15			3.15
Tapped Double Y.	Sld.	1.60	1.85			2.85
Tapped Double Y.	XII.	1.90	2.15			3.15
Long Crosses.	Sld.	2.75	4.05			4.05
Long San Cross.	XII.	3.45	6.80			6.80
Long Double Ys.	Sld.	3.15	6.25			6.25
Long Double Ys.	XII.	3.75	6.65			6.65
Long Double ½ Ys.	Sld.	3.00	6.00			6.00
Long Double ½ Ys.	XII.	3.60	7.35			7.35
Long Double ½ Ys.	Sld.	3.60	6.60			6.60
Long Double ½ Ys.	XII.	4.20	8.10			8.10

	Standard										Extra heavy									
	2"	3"	4"	6"	8"	10"	12"	15"			2"	3"	4"	6"	8"	10"	12"	15"		
Traps, Running with 6x4" Red, with 4" Y Vent.	1.70	2.60	3.45	6.40	20.00	2.10	3.10	4.30	7.00											
Traps, Improved Running, Single Cleanout.	2.40	3.20	3.90	6.00	7.40	3.00	4.00	4.00	8.00											
Traps, Improved Running, Double Cleanout.	.60	.70	.80	1.85	2.00	.75	.85	1.10	2.25											
Splitter End Vent Caps 12" long.	.70	1.15	1.30	3.80	4.15	.85	1.45	2.45	5.20											
Splitter End Vent Caps 14" long.			1.05	3.80		1.05		2.45	5.05											
Splitter End Vent Caps 18" long.			3.25	4.60	4.75			4.05	5.05											
Splitter End Vent Caps 20" long.	1.30		3.65					4.35												
Splitter End Vent Caps 30" long.			6.05																	
Hub End Vent Caps 12" long.	1.15	1.20	1.30	2.20	2.60	1.40	1.45	1.65	3.25											
Hub End Vent Caps 18" long.	1.15	1.45	1.60	3.10	4.40	1.45	1.80	2.40	3.25											
Hub End Vent Caps 20" long.	1.45		3.75	4.80	6.05	1.80		4.05	6.00											
Hub End Vent Caps 30" long.			5.80					6.05												
Vent Cap with Set Screw.	.60	.65	.80	1.25	1.55	.60	.65	.85	1.25											
Ready Vent Cap.	.60	.65	.80	1.25	1.55	.60	.65	.85	1.25											
Fresh Air Inlet Standard Pattern.	.80	1.00	1.10			1.15														
Fresh Air Inlet X 12" Pattern.			1.60																	
Fresh Air Inlet Pittsburgh Pattern.	.40	.60	.75	.85	1.25	.60	.75	.85	1.25											
Roof Plates.	.40	.60	.75	.85	1.25	.60	.75	.85	1.25											
Pipe Hangers.	.25	.40	.45	1.05	1.55	.40	.45	.60	1.05											
Pipe Plugs.	.70	.75	.75	1.25	1.85	1.20	1.25	1.85	2.30											
Shelves.	.10	.15	.20	.25	.30	.45	.50	.55	.60											
Bar Grates with Legs.	.20	.30	.40	.50	.60	1.75	2.15	3.45	5.00											
Plain Pipe Rests.	.30	.40	.40	.75	.95	.40	.45	.60	.75											
Open Pipe Rests.	.30	.40	.40	.75	.95	.40	.45	.60	.75											
Pipe Rests Tapped for 1".	.65	.85	1.00	1.20	1.45	2.35	3.00	3.00	4.00											
Single Hub Fittings.	.60	.70	.75	1.25	1.85	2.50	3.00	3.00	4.00											
Double Hub Fittings.	.40	.60	.60	1.00	1.25	2.80	4.85	8.05	17.85											
Tapped Hubs.																				
Tee Cleanout with Round Handhole and Cover.	1.05	1.70	1.85	2.45	3.70	6.00														
Tee Cleanout with Square Hub & O.	1.20		2.10	3.30	4.30															
Washington Tee with Brass Plugs.																				
Washington Tee with Iron Plugs.																				
Philadelphia Tee with no Plug.																				
Philadelphia Tee with Plug.	1.35	1.60	1.90	2.75	3.55	10.09	13.20	17.60												
Tee Cleanout with Trap Screw on Branch.	1.60	1.70	1.75	3.35	3.70															
San Tee or Y with BTS on Main or Branch.	1.60	1.95	2.45	4.30	4.95															
Combination Y and 1/2 Bend with BTS on Main.	1.85	2.45	3.10	4.95																
California Pattern.	1.60	1.95	2.45	4.30	4.95															
Gloster Tee without Vent R or L Inlet.			2.00																	
Gloster Tee without Vent R and L Inlet.			2.00																	
Gloster Tee with Vent R or L Inlet.			3.00																	
Gloster Tee with Vent R and L Inlet.			4.30																	
Wisconsin San Tee with one 1/2 Inlet.			3.00																	
Wisconsin San Tee with two 1/2 Inlets.			3.75																	
Weston Long Y and Long Y with 2" Vent.	2.05	3.20	3.60	4.60	5.60															
Double Angle Y Branches.	1.00																			

Medium fittings take same lists as standard.

Issued February 5, 1942.

* Reused: 7 P.R. 809.

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 101—CITRIC ACID

Citric acid is produced by fermentation of beet molasses and extraction from lemon culls and pineapples. Its most important uses are in pharmaceutical manufacture, and in food and beverage flavoring. While estimated production for 1942 is in excess of the amount produced in 1941, it is anticipated that there will be an increased consumer demand for goods and beverages which will be reflected in the demand for citric acid.

In recent months, speculation in citric acid has led to resales of this commodity at prices over three times the prices quoted by producers. In addition, export sales have been made at abnormally high prices. Further increases in these prices are threatened.

After conferences with producers, resellers, and exporters of citric acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of 20 cents per pound, or for resellers and exporters charging prices in excess of 26 cents and 28 cents per pound, respectively, for sales of U. S. P. granular citric acid in carload lots. Increases above those prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.851 *Maximum prices for citric acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer citric acid in quantities of 5 pounds or more, and no person shall buy, offer to buy or accept delivery of citric acid in quantities of 5 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.859.*

*§§ 1335.851 to 1335.859, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.852 *Less than maximum prices.* Lower prices than those set forth in § 1335.859, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.853 *Evasion.* The price limitations set forth in Price Schedule No. 101 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of citric acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of citric acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.854 *Records and reports.* Every person making purchases or sales of citric acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one

year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the citric acid purchased or sold.

Persons affected by Price Schedule No. 101 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.855 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 101, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 101, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 101; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 101 which may be regarded as grounds for the revocations of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 101. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of citric acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.856. *Modification of Price Schedule No. 101.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 101 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 101.*

§ 1335.857 *Definitions.* When used in Price Schedule No. 101, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Citric acid" means the various grades referred to in § 1335.859, Appendix A, of this Schedule.

(c) "Producer" means a person who synthesizes, extracts, or otherwise manufactures or makes citric acid.

(d) "Primary jobber" means a person who buys citric acid from producers for resale.

(e) "Reseller" means a person who buys citric acid from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.858 *Effective date of Price Schedule No. 101.* This Schedule (§§ 1335.851 to 1335.859, inclusive) shall become effective February 16, 1942.*

§ 1335.859 *Appendix A: Maximum prices for citric acid—(a) Sales by producers and primary jobbers—(1) Citric acid produced in the continental United States.* (i) The maximum prices for sales by producers or primary jobbers of citric acid produced in the continental United States are established as follows:

Quantity	U. S. P. granular per pound	U. S. P. powder per pound	U. S. P. anhydrous granular per pound	U. S. P. anhydrous powder per pound
Carload or more.....	\$0.20	\$0.205	\$0.225	\$0.23
10,000 pounds or more in barrels.....	.205	.21	.23	.235
200 to 10,000 pounds in barrels.....	.21	.215	.235	.24
100 pounds or more, in 100-pound kegs or drums.....	.215	.22	.24	.245
50 pounds or more, in 50-pound drums or cartons.....	.23	.235	.255	.26
25 pounds or more, in 25-pound drums or cartons.....	.24	.245	.265	.27
5 pounds or more, in 5-pound containers.....	.29	2.95	.315	.32

(ii) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: Boston, Massachusetts; Philadelphia, Pennsylvania; Baltimore, Maryland; New York City, New York; Portland, Oregon; and Seattle, Washington. The maximum prices which a purchaser may pay for citric acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that city named above from which the transportation rate to destination is least.

(iii) The maximum prices for sales by producers or primary jobbers of citric acid produced in the United States and delivered from local stocks maintained in Chicago, Illinois or St. Louis, Missouri are the maximum prices listed above, plus one-half cent per pound, f. o. b. the warehouse in whichever city from which actual shipment is made.

(2) *Citric acid produced in territories of the United States.* The maximum prices for sales by producers or primary jobbers of citric acid produced in the territories of the United States are the maximum prices listed in subparagraph (i) of this paragraph (a), f. o. b. point of shipment in such territories.

(b) *Sales by resellers.* The maximum prices for sales of citric acid by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity	U. S. P. granular per pound	U. S. P. powder per pound	U. S. P. anhydrous granular per pound	U. S. P. anhydrous powder per pound
Carload or more.....	\$0.26	\$0.27	\$0.29	\$0.30
10,000 pounds or more in barrels.....	.27	.27	.30	.31
200 to 10,000 pounds in barrels 100 pounds or more in 100- pound kegs or drums.....	.27	.28	.31	.31
50 pounds or more, in 50- pound drums or cartons.....	.28	.29	.31	.32
25 pounds or more, in 25- pound drums or cartons.....	.30	.31	.33	.34
5 pounds or more, in 5-pound containers.....	.31	.32	.34	.35
	.33	.33	.41	.42

(c) *Export sales and sales to persons in territories and possessions of the United States.* The following maximum prices are established for export sales of citric acid and for sales to persons in the territories or possessions of the United States, where the shipments originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, plus 5 percent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (a) ocean or overland freight, (b) marine and war risk insurance, and (c) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established above.

Issued this 5th day of February 1942.¹

LEON HENDERSON,
Administrator.

¹ Issued: 7 F.R. 820.

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

PRICE SCHEDULE NO. 102—HOUSEHOLD MECHANICAL REFRIGERATORS

Household mechanical refrigerators are of considerable importance to the consuming public. Between January and June, 1941, manufacturers' prices on these refrigerators were revised upwards on three occasions and advanced on the average 5.9 per cent. On June 23 the Office of Price Administration requested refrigerator manufacturers not to make further increases without consultation with this Office. Thereafter, no price increases have become effective without the approval of the Office of Price Administration and this approval has been granted only on the basis of a demonstrated rise in costs of production. In effect, therefore, the present level of prices accords with that prevailing between October 1 and October 15, 1941, with necessary adjustments for these increased costs for all companies except the General Electric Company and the Frigidaire Division of General Motors Corporation who have not yet submitted their cost figures.

After investigation it has been determined that efficient administration, and uniform treatment of all manufacturers, make advisable the formalization of the existing arrangement by the issuance of a Price Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1380.51 *Maximum prices for household mechanical refrigerators.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any model of household mechanical refrigerator at a price higher than the maximum price:

(a) *Manufacturer's brand household mechanical refrigerators.* (1) In the case of all manufacturers who have had price lists on 1942 models approved by the Office of Price Administration, the maximum price, exclusive of federal excise tax, for any model of household mechanical refrigerator sold under the manufacturer's brand during the two-month period ended February 2, 1942, shall be the net price quoted to the same general class of purchasers for such model in the manufacturer's price list in effect on February 2, 1942.

(2) In the case of all other manufacturers, the maximum price, exclusive of federal excise tax, for any model manufactured for sale under the manufacturer's brand during the two-month period ended February 2, 1942, shall be the net price quoted to the same general class of purchasers for the most comparable model in the most recent 1941 price list, until a new price list has been approved by the Office of Price Administration.

(b) *Private brand household mechanical refrigerators.* The maximum price, exclusive of federal excise tax, for any model of household mechanical refrigerator sold under a brand other than the manufacturer's brand during the two-month period ended February 2, 1942, shall be the highest price, exclusive of

federal excise tax, specified for such model in a contract with a purchaser of the same general class in effect on February 2, 1942.

(c) *New models.* The maximum price for any 1942 model not manufactured or offered for sale before February 2, 1942, and for any other model not offered for sale by the manufacturer in the two-month period ended February 2, 1942, shall be the price approved in writing by the Office of Price Administration after the submission to it of a report in accordance with § 1380.54 (c), and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.*

* §§ 1380.51 to 1380.59, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 FR. 1917, 4483.

§ 1380.52 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 102 may be charged, demanded, paid, or offered.*

§ 1380.53 *Evasion.* The limitations set forth in Price Schedule No. 102 shall not be evaded whether by direct or indirect methods in connection with the manufacturing or assembling of household mechanical refrigerators by deterioration of quality or performance thereof, or in connection with a purchase, sale, or transfer of household mechanical refrigerators, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, allowances for or absorption of transportation costs, or by any other means.*

§ 1380.54 *Reports—(a) Present line.* On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report on all models currently offered for sale, giving the maximum price established for each model by § 1380.51, the specifications, and the terms of sale. Manufacturers who have already submitted all or any part of this information need not duplicate such material but shall send a reference to the material already submitted.

(b) *Approval of price lists.* Manufacturers who have not had price lists on 1942 models approved, may submit to the Office of Price Administration price lists on 1942 models for approval, giving the necessary description of the models, cost, profit, and other information which may be required by the Office of Price Administration.

(c) *New models.* Manufacturers wishing to offer for sale a new model as defined in § 1380.51 (c) shall submit to the Office of Price Administration a report on such model, giving proposed maximum price, the specifications and the terms of sale.

Persons affected by Price Schedule No. 102 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1380.55 *Records.* Every manufacturer making sales of household mechanical refrigerators on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale

showing the date of billing, the name and address of the buyer, the name, number or other designation and the price received for each household mechanical refrigerator, the quantity of each household mechanical refrigerator sold, and discounts and allowances of any nature given.*

§ 1380.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 102, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 102, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 102; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 102. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of the speculations, or manipulation of prices of household mechanical refrigerators, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1380.57 *Modification of Price Schedule No. 102.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 102 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 102.*

§ 1380.58 *Definitions.* When used in Price Schedule No. 102, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means a person operating a factory or plant which manufactures or assembles household mechanical refrigerators;

(c) "Household mechanical refrigerator" means any refrigerator for household use which operates either by compression or by absorption;

(d) "Model" means any combination of size and specifications of equipment;

(e) "Net price quoted" means the actual price, exclusive of federal excise tax, but including charges for warranty and cooperative advertising, to be received by the manufacturer, f. o. b. seller's point of shipment, or delivered to the purchaser, whichever the price list specifies.*

§ 1380.59 *Effective date of Price Schedule No. 102.* This Schedule

(§§ 1380.51 to 1380.59, inclusive) shall become effective February 9, 1942.*

Issued this 4th day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 103—SALICYLIC ACID

Salicylic acid is chiefly used in the production of aspirin and other internal and external medicinals, in making chrome and khaki dyes, and in vulcanizing natural rubber. The acid is itself made from phenol, which is under allocation by the War Production Board on account of its importance in the production of plastics and explosives. As a result, present and future supplies of salicylic acid are distinctly limited by the amount of phenol which can be spared for its production.

At the same time, increased demand for aspirin and khaki dye, coupled with anticipated increased demand for the acid in rubber vulcanization, has led to speculation on the resale market at prices nearly triple the manufacturers' prices for comparable grades and quantities. These forces threaten further upward pressure on the price of salicylic acid.

After conferences with producers, resellers, and exporters of salicylic acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of 35 cents per pound, or for resellers charging prices in excess of 46 cents per pound, for U. S. P. salicylic acid in 100 to 150 pound barrels. Increases above these prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.951 *Maximum prices for salicylic acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer salicylic acid in quantities of one pound or more, and no person shall buy, offer to buy, or accept delivery of salicylic acid in quantities of one pound or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.959.*

*§§ 1335.951 to 1335.959, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.952 *Less than maximum prices.* Lower prices than those set forth in § 1335.959 Appendix A, may be charged, demanded, paid, or offered.*

§ 1335.953 *Evasion.* The price limitations set forth in Price Schedule No. 103 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of salicylic acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or

other charge or privilege, or by alteration of grades of salicylic acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.954 *Records and reports.* Every person making purchases or sales of salicylic acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the salicylic acid purchased or sold.

Persons affected by Price Schedule No. 103 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.955 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 103, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 103, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 103; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 103 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 103.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of salicylic acid, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.956 *Modification of Price Schedule No. 103.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 103 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 103.*

§ 1335.957 *Definitions.* When used in Price Schedule No. 103, the term:

(a) "Person" means individual, partnership, association, corporation, or other business entity.

¹ Issued: 7 F.R. 908.

(b) "Salicylic acid" includes the grades of ortho-hydroxybenzoic acid referred to in Appendix A, incorporated herein as § 1335.959.

(c) "Producer" means every person who manufactures salicylic acid.

(d) "Primary jobber" means every person who buys salicylic acid from producers for resale purposes.

(e) "Reseller" means every person who buys salicylic acid from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.958 *Effective date of Price Schedule No. 103.* This Schedule (§§ 1335.951 to 1335.959, inclusive) shall become effective February 16, 1942.*

§ 1335.959 *Appendix A: Maximum prices for salicylic acid.* The following maximum prices are established for salicylic acid:

(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of salicylic acid by producers or primary jobbers are established as follows:

Quantity.	U. S. P., per pound	Technical, per pound
Carlot.....	\$0.28	\$0.26
100 pounds or more in barrels.....	.35	.33
50 pounds or more in 50-pound drums.....	.37	.35
100 pounds or more in 25-pound drums.....	.36	.34
50 to 100 pounds in 25-pound drums.....	.37	.35
25 to 50 pounds in 25-pound drums.....	.38	.36
5 pounds or more in 5-pound drums.....	.44	.42
1 pound or more in 1-pound cartons.....	.46	.44

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz: New York City, New York; Philadelphia, Pennsylvania; Chicago, Illinois; and St. Louis, Missouri. The maximum prices which a purchaser may pay for salicylic acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of salicylic acid are established as follows, f. o. b. reseller's shipping point.

Quantity	U. S. P., per pound	Technical, per pound
Carlot.....	\$0.36	\$0.34
100 pounds or more in barrels.....	.46	.43
50 pounds or more in 50-pound drums.....	.48	.46
100 pounds or more in 25-pound drums.....	.47	.44
50 to 100 pounds in 25-pound drums.....	.48	.46
25 to 50 pounds in 25-pound drums.....	.49	.47
5 pounds or more in 5-pound cartons.....	.57	.55
1 pound or more in 1-pound cartons.....	.60	.57

(c) *Export sales and sales to persons in Territories and possessions of the United States.* The following maximum prices are established for export sales of salicylic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (i) ocean or overland freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by Price Schedule No. 103.

Issued this 9th day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 104— VITAMIN C

Progress during recent years in biochemical research has led to the isolation of vitamin C, also known as ascorbic acid. This vitamin is indispensable to the development of sound bony structure in humans. Although it is found in fresh fruits and raw vegetables, vitamin C which is used in therapy is mainly a synthetic product.

Wider use of vitamin therapy, coupled with the scarcity of fresh fruits and raw vegetables in some foreign countries, has stimulated a sharply increased domestic and foreign demand for vitamin C produced in this country. This pressure has led to speculation by resellers to such

an extent that a number of transactions have been made at prices approximately double the prices quoted by producers. This speculation has taken place and threatens to lead to even higher prices in the resale market, in spite of a distinct downward trend in producers' prices.

After conferences with producers, resellers, and exporters of vitamin C, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of \$1.65 per ounce, or for resellers charging more than \$2.15 per ounce, for sales of large quantities. Increases above those prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.901 *Maximum prices for vitamin C.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver or transfer vitamin C in quantities of one ounce or more, and no person shall buy, offer to buy or accept delivery of vitamin C in quantities of one ounce or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.909.*

*§§ 1335.901 to 1335.909, inclusive, issued pursuant to authority contained in E.O. 8734, 8375, 6 F.R. 1917, 4483.

§ 1335.902 *Less than maximum prices.* Lower prices than those set forth in § 1335.909, Appendix A may be charged, demanded, paid or offered.*

§ 1335.903 *Evasion.* The price limitations set forth in Price Schedule No. 104 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of vitamin C or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of vitamin C, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.904 *Records and reports.* Every person making purchases or sales of vitamin C in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the vitamin C purchased or sold.

Persons affected by Price Schedule No. 104 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.905 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of Price Schedule No. 104, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 104, the Office of Price Ad-

¹Issued: 7 F.R. 933.

ministration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 104; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 104 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 104.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of vitamin C, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.906 *Modification of Price Schedule No. 104.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 104 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 104.*

§ 1335.907 *Definitions.* When used in Price Schedule No. 104, the term:

(a) "Person" means an individual partnership, association, corporation, or other business entity.

(b) "Vitamin C" means ascorbic acid, U. S. P.

(c) "Producer" means a person who manufactures vitamin C.

(d) "Primary jobber" means a person who buys vitamin C from producers for resale purposes.

(e) "Reseller" means a person who buys vitamin C from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.908 *Effective date of Price Schedule No. 104.* This Schedule (§§ 1335.901 to 1335.909, inclusive) shall become effective February 16, 1942.*

§ 1335.909 *Appendix A: Maximum prices for vitamin C—(a) Sales by producers and primary jobbers.* (1) The maximum prices for sales of vitamin C by producers or primary jobbers are established as follows:

Quantity in ounces:	Price per ounce
1,000 or more.....	\$1.65
500 up to 1,000.....	1.66
100 up to 500.....	1.67
50 up to 100.....	1.69
25 up to 50.....	1.72
5 up to 25.....	1.77
1 up to 5.....	1.85

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz: Philadelphia, Pennsylvania; St. Louis, Missouri; Chicago, Illinois; Rahway and Nutley, New Jersey; and New York, New York. The maximum prices which a purchaser may pay for vitamin C delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination over standard routes from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of vitamin C by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity in ounces:	Price per ounce
1,000 or more.....	\$2.15
500 to 1,000.....	2.16
100 to 500.....	2.17
50 to 100.....	2.20
25 to 50.....	2.24
5 to 25.....	2.30
1 to 5.....	2.41

(c) *Export sales and sales to persons in territories and possessions of the United States.* The following maximum prices are established for export sales of vitamin C to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, plus 40 per cent of the applicable maximum price, f. a. s. vessel at the port of shipment.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (a) ocean or overland freight (b) marine and war risk insurance, and (c) foreign agents' commission, unless such foreign agents'

commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by Price Schedule No. 104.*

Issued this 9th day of February 1942.¹

LEON HENDERSON,
Administrator.

PART 1406—MECHANICAL POWER-TRANSMISSION EQUIPMENT

REVISED PRICE SCHEDULE NO. 105—GEARS, PINIONS, SPROCKETS, AND SPEED REDUCERS

Gears, pinions, sprockets, and speed reducers are used in the transmission of power. They are an important and integral part of most industrial mechanical equipment. Large quantities are used in the necessary machinery of modern warfare.

During the past year, as the expenditures of the War Program have expanded, the demand for these vital products has grown with great rapidity. The need for them in machines for industry and for war has become acute. Under this pressure, output has been more than doubled and schedules calling for continuous production have been introduced in many plants manufacturing this type of equipment. In spite of this there exists an increasing unsatisfied demand for these products creating a condition favorable to inflationary price changes.

During the year 1941, the prices of these articles moved sharply upward. In the absence of price control there is imminent danger that prices will increase even further. To avoid this consequence and the inflation which price increases occasion under the conditions described it has been decided, as a result of a study of pertinent facts and of conferences with representative members of the industry, that controls should be established over the prices of gears, pinions, sprockets, and speed reducers.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1406.1 *Maximum prices for gears, pinions, sprockets, and speed reducers.* (a) On and after February 18, 1942, regardless of the terms of any contract of sale or purchase, except as provided in paragraph (b) of this section, no manufacturer shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy or accept delivery from a manufacturer of any gear, pinion, sprocket, or speed reducer at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1406.9.

(b) The provisions of Price Schedule No. 105 shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal, Procurement Division of the Treasury or any other agency of the United States prior

¹ Issued: 7 F.R. 932.

to the effective date of Price Schedule No. 105.

(c) Nothing in Price Schedule No. 105 shall prevent the inclusion in any contract for the sale of gears, pinions, sprockets, or speed reducers of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: *Provided*, That the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or otherwise, shall be deemed to be in violation of Price Schedule No. 105.

(d) The provisions of Price Schedule No. 105 shall apply both to domestic sales and sales for export, but nothing in Price Schedule No. 105 shall prevent the inclusion in the price of gears, pinions, sprockets, or speed reducers sold for export of the amount of expenses actually incurred in packing for export and in shipment, and the amount of any other expenses not ordinarily incurred in connection with domestic sales, provided that the amount of all such expenses is stated separately on the invoice.*

*§§ 1406.1 to 1406.9 inclusive, Issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1406.2 *Lower prices.* Lower prices, rents or charges than those provided for in § 1406.1 above may be charged, demanded, paid or offered.*

§ 1406.3 *Evasion.* The price limitation set forth in § 1406.1 shall not be evaded in connection with the purchase, sale, delivery, or transfer of any gears, pinions, sprockets, or speed reducers, alone or in conjunction with any other material, whether by direct or indirect methods, by way of barter or exchange, or by way of any service, transportation or other such charge, or by way of any change in discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise, as a result of which the net price received by the manufacturer will exceed the net price which would have been received by him if the sale had been made on October 15, 1941.*

§ 1406.4 *Records and reports.* (a) Every manufacturer making any sale of gears, pinions, sprockets, or speed reducers after February 18, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the list price, if any, on the date of sale, the net price received after adjustment for all extra charges, discounts, and allowances, and the quantity and description of each type of gear, pinion, sprocket, or speed reducer sold, and in addition, in the case of "special" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7; the actual cost incurred in the production of the gear, pinion, sprocket, or speed reducer sold, and a summary of the calculations made in the computation of the price charged.

(b) On or before March 1, 1942, every manufacturer of gears, pinions, sprockets, or speed reducers, shall file with the Office of Price Administration the following: published or confidential price lists and discount sheets setting forth prices and all extra charges, discounts, and allowances in effect on October 15, 1941, applicable to gears, pinions, sprockets, or speed reducers; and a statement of the standard method of estimating net, selling prices in use October 15, 1941, for special gears, pinions, sprockets and speed reducers, together with an illustrative computation.

(c) On or before April 10, 1942, and on or before the tenth day of every month thereafter, every manufacturer of gears, pinions, sprockets, and speed reducers shall file with the Office of Price Administration a report of sales during the preceding month of all "recurring special" gears, pinions, sprockets, and speed reducers, as to which no such report has previously been filed. The first such report shall cover the period February 18 to March 31, 1942.

(1) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which a sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:1 and shall contain the following information: (i) A description of the item; (ii) the date of the last sale of the item prior to February 18, 1942, the quantity sold and the net price charged at that time; (iii) the net price which would have been charged for this quantity on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed in estimating costs and determining prices on that date and making use of the manufacturer's experience as to actual machine hours and materials required; (iv) the date of the sale being reported, the quantity sold and the net price charged.

(2) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which no sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:2 and shall contain the following information: (i) A description of the item; (ii) the date of the first sale of the item after February 18, 1942, the quantity sold, and the net price charged; (iii) the date of the sale being reported, by force of which the item became a "recurring special," the quantity sold and the net price charged.

If reports have been filed in previous months as to all the "recurring special" gears, pinions, sprockets, or speed reducers sold during any single month, or if no sales of "recurring special" gears, pinions, sprockets, or speed reducers have been made during any single month, a report shall nonetheless be filed, containing a statement of the relevant fact, signed by an authorized person. Copies of Forms 205:1 and 205:2 can be obtained from the Office of Price Administration, or Forms 205:1 and 205:2 can be reproduced by the manufacturer providing no change is made in style or content of the forms.

(d) Persons affected by Price Schedule No. 105 shall submit such other reports, including periodic profit and loss statements and balance sheets, to the Office of Price Administration, as it may from time to time require.*

§ 1406.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 105 or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 105, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 105; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 105 which may be regarded as ground for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 105; and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 105. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of gears, pinions, sprockets, or speed reducers, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1406.6 *Modification of Price Schedule No. 105.* Persons claiming hardship or inequity in the operation of Price Schedule No. 105 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That such application will not be considered unless filed by persons complying with Price Schedule No. 105.*

§ 1406.7 *Definitions.* When used in Price Schedule No. 105 the term:

(a) "Person" means any individual, partnership, association, corporation or other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture of gears, pinions, sprockets, or speed reducers resulting in the production of finished gears, pinions, sprockets, or speed reducers.

(c) "Gear" means a toothed wheel or cog wheel used in the transmission of mechanical power, and includes, among others, the following types of gears: spur gears, bevel gears, mitre gears, spiral gears, worm gears, herringbone gears, helical gears, pinions, and worms.

(d) "Pinion" means a type of gear.

(e) "Sprocket" means a toothed wheel or cog wheel used in the transmission of

power by means of silent chain, link chain, roller or block chain, or other types of chain used in the transmission of power.

(f) "Speed reducer" means an enclosed gear drive for use in the transmission of power at increased or decreased speed, either horizontally, vertically, or angularly.

(g) "Standard gear, pinion, sprocket or speed reducer" means any gear, pinion, sprocket or speed reducer listed or described in the manufacturer's price lists, whether published or confidential, in effect on October 15, 1941.

(h) "Recurring special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket, or speed reducer other than those above defined as "standard," for which at least two orders have been or may be received subsequent to February 18, 1941, and of which the manufacturer's sale since that date amount to either \$1,000 or more, or 500 units or more.

(i) "Special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket or speed reducer not included in the above definitions of "standard" and "recurring special" gears, pinions, sprockets, and speed reducers.

(j) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, including quantity discounts, and other allowances.*

§ 1406.8 *Effective date of Price Schedule No. 105.* This Schedule (§§ 1406.1 to

1406.9, inclusive) shall become effective February 18, 1942.*

§ 1406.9 *Appendix A: Maximum prices for gears, pinions, sprockets, and speed reducers.* (a) The maximum price for "standard" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7, shall be the net price in effect on October 15, 1941.

(b) (1) Upon the first sale on or after February 18, 1942, of any "recurring special" gear, pinion, sprocket, or speed reducer, as defined in § 1406.7, of which a sale had been made in the year ending February 18, 1942, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any subsequent sale of the same "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such first sale after February 18, 1942, and filed in column 11 of Form 205:1, as required in § 1406.4, adjusted to reflect differences in cost consequent upon substantial differences, if any, in the quantity sold.

(2) Upon the sale after February 18, 1942, of any gear, pinion, sprocket, or speed reducer, of which no sales had been made in the year ending February 18, 1942, which is not a "standard" item and

which becomes a "recurring special" by force of such sale, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any subsequent sale of this new "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such sale, by force of which the item became a "recurring special," and filed in column 10 of Form 205:2 as required in § 1406.4, adjusted to reflect differences in costs consequent upon substantial differences, if any, in the quantity sold.

(c) The maximum price for any "special" gear, pinion, sprocket, or speed reducer shall be the price which would have been charged on October 15, 1941, if such price had been calculated upon labor and material costs existing on that date by the use of procedures and standards employed by the manufacturer in estimating costs and determining prices on that date.*

Issued this 10th day of February 1942.¹

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1500; Filed, February 20, 1942;
11:18 a. m.]

¹ Issued: 7 F. R. 954.